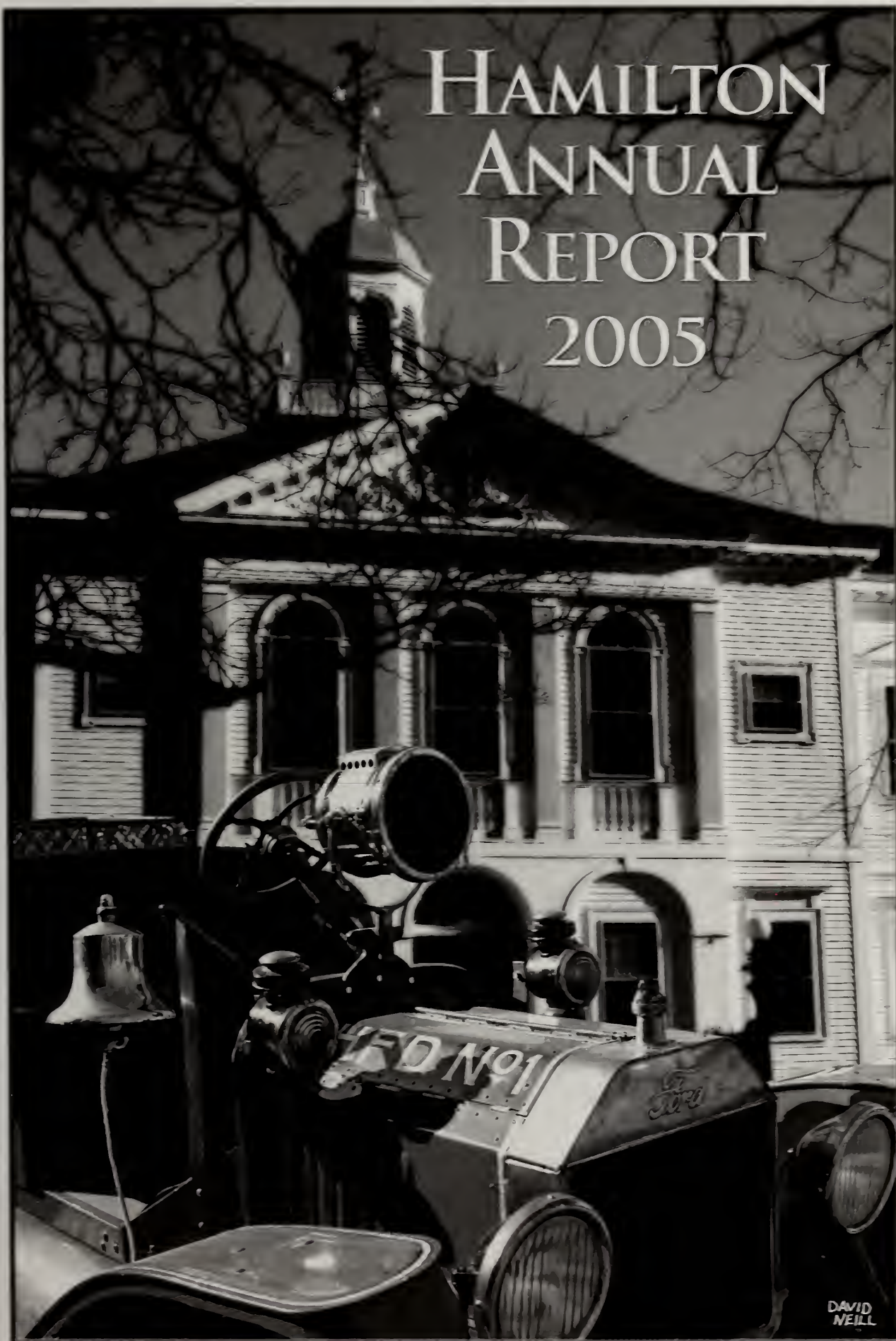


# HAMILTON ANNUAL REPORT 2005

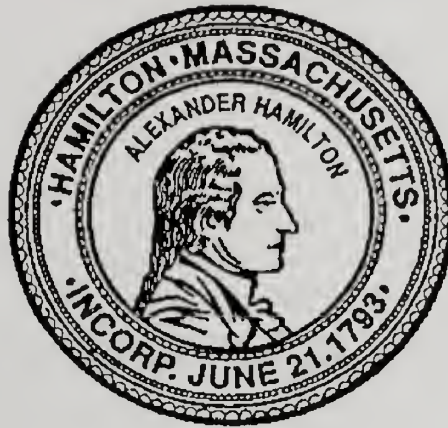


DAVID  
NEILL



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**Town of Hamilton**

**2005 Annual Report**

Town of Hamilton  
Essex County  
Commonwealth of Massachusetts

Incorporated June 21, 1793  
Area 14.99 Square Miles  
Town Population 8,254

Sixth Congressional District  
Fifth Councilor District  
First Essex and Middlesex Senatorial District  
Fourth Essex Representative District

**State Officials**

Congressman: John Tierney of Salem  
Senator: Bruce E. Tarr of Gloucester  
Representative: Brad Hill of Ipswich

**Town Hall Hours**

Monday: 8:00 a.m. to 7 p.m.  
Tuesday - Thursday 8:00 a.m. to 4:30 p.m.  
Friday 8:00 a.m. to 12:00 p.m.

**In Memoriam \***

James Michael Gilmartin  
Frederick W. Gray  
Beatrice Jane Haslegrave  
John Joseph Kirby  
Anthony R. Maione

*\* Residents who had served in town government who passed away in 2005*



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## BOARD OF SELECTMEN

2005 was an exciting and rewarding year for the Town of Hamilton. We made progress on several significant issues which face the town in the areas of finance, land use, economic development, infrastructure improvement and the various legal and regulatory actions in progress.

The tone for the year was set in our January Town Meeting which dealt exclusively with planning for the town's future. The Long Range Financial Plan and the Master Plan were presented along with the 2005 goals and objectives for committees including Open Space and Recreation, Agricultural and Equestrian, Economic Development, Housing Partnership, Public Safety Building and Community Preservation. A strong Planning agenda was demonstrated in support of our Master Plan objectives, but both the short and long range financial outlooks forecasted continued stress on the property tax and the need for economic development to add revenue sources.

The planning agenda led to warrant articles in both the January and May Town Meetings. The following initiatives were successful:

- 1) The Open Space and Farmland Preservation Development by-law was approved in January to incent cluster development on large parcels and preserve open space.
- 2) The Affordable Housing Trust Fund Home Rule petition was approved in January to provide a fund for development of affordable housing. This was subsequently approved by the Legislature.
- 3) The Public Safety Building construction project and bonding were approved in May to build a new police and fire station.
- 4) The Community Preservation Act was approved on the ballot in May to provide a funding source for historical preservation, open space, recreation and affordable housing projects.
- 5) An Inclusionary Housing bylaw was approved in May to incent affordable housing development.
- 6) The Agricultural Commission was approved in May to advocate for agricultural interests.
- 7) The Economic Development Committee recommended and the selectman approved further study of downtown development and the appointment of an advisory committee to study the development of the landfill.

Two items on the planning agenda were not successfully implemented. A Multi-use bylaw to incent revenue generating development was deferred and an affordable housing project on town owned land was rejected. In spite of this, 2005 was a year of progress on the planning front and was capped by a multi-board planning retreat held in October. This meeting was run by the Planning board and attended by the ZBA, Conservation Commission, Open Space Committee, Housing Partnership, Finance Committee and the Selectmen. The purpose was to review the common planning agenda, define issues and develop actions to move the agenda forward. The meeting was very beneficial and is planned to be held regularly in the future.

The Town's financial picture remained difficult in 2005. The increase in employee health care premiums, the uncontrollable increase in unfunded state and federal mandates, the program recovery required in the school system, the need for new police, fire and DPW equipment, and the need for a new Public Safety Building, along with the lack of recovery in local aid and school funding from the State, gave us a very difficult financial equation to solve.

The Long Range Financial Planning and Budget Process Committees, which were formed with Wenham and the School Committee after our very difficult 2003 budget process, served us well in 2005. They fostered open and thorough communication and discussion of the issues and produced

financial plans for both communities and the Schools that were supported by Boards of Selectmen, Finance Committees and the School Committee. In Hamilton, we undertook two special initiatives; a program to reduce the cost of health care and a warrant and ballot structure which gave the voters more specificity in their budget choices.

The health care initiative involved negotiation of an increase in co-pays for all town employees, and negotiation with our Police and ECO Unions for a change in premium cost sharing. The co-pays were changed in FY2006 resulting in a reduction in the increase of health care premiums by 7%. The Cost sharing negotiation resulted in the current 80% town share being reduced to 75% in two steps by FY2008. This is a good start but it is just the beginning. Rapidly escalating health care costs will be a continuing problem and we will strive to negotiate a fair but balanced approach with our town employees.

The Warrant and ballot structure gave the voters separate overrides for the school budget, the public safety building, police equipment, fire equipment and DPW equipment. All overrides passed at Town Meeting but the school override failed at the ballot. This required a second budget cycle for the schools under state law, and the override passed the second time around. This was a difficult and contentious process but legally necessary with a regional school district. Fortunately, the State increased the School funding somewhat and the School Committee returned a part of the override to the towns in the fall.

This difficult process caused us to redouble our efforts at communication and cooperation in our joint financial committees. We embarked on a level service budgeting cycle to aid in communication and analysis, an annual report for the schools is planned in 2006 and a joint Capital Planning Committee to increase efficiency and sharing is in the process of being formed. At the State level, our Home Rule Petition to restructure the property tax is dead in committee, but there are signs of hope. The State coffers are overflowing as we enter 2006 and it appears as if local aid and school funding will be increased. Further the formula for School funding is under evaluation for revision, new tax exemptions for seniors are in process, and Governor Mitt Romney is proposing a major change in the funding model for cities and towns.

The Master Plan and its implementation and the budget process are the big picture items but beyond them several very significant initiatives and events occurred:

- 1) The American Legion is developing and funding a monument to World War II veterans. The monument will be in front of Town Hall. The Town has appropriated the funding to landscape around the monument.
- 2) The Hamilton Fund was approved at Town Meeting to provide for an emergency fund for Hamilton residents in need.
- 3) The operation of the public service and education cable television operations were taken over jointly by the towns of Hamilton and Wenham. An inter-municipal agreement was approved to operate the service. A non-profit corporation will be formed in early 2006.
- 4) The 20-year-old contract with NESWC for trash disposal has completed. This resulted in the town receiving a return of \$314,000 and a substantial reduction in future trash disposal expense.
- 5) The joint recycling committee of Hamilton and Wenham was formed.
- 6) Negotiations are underway with Verizon to provide a second cable television service to the town.



- 7) We approved a town meeting article to join the Northeast mosquito control district. The primary objective is to implement monitoring for the presence of Eastern Equine Encephalitis and West Nile Virus. The detailed management plan will be completed in early 2006.
- 8) The Carriage House Junction project has been proposed to provide affordable housing under a Chapter 40B special permit approved by Mass. Housing.

2005 was indeed a busy and productive year and the Board of Selectmen would like to thank the many volunteers who do the hard committee work, the town employees for their dedication and hard work, and townspeople for their support, patience, and participation. As we enter 2006 our plate is full and the issues difficult, but we will succeed. Through it all, we live in Hamilton—what could be better.

**James E. Bryant, Chairman**

## WHO'S WHO 2005

### TOWN ADMINISTRATION

#### **Board of Selectmen (Elected)**

James E. Bryant, Chairman, 2006

Robert M. Bullivant, 2007

William F. Bowler, 2008

#### **Town Administrator**

Candace P. Wheeler

Allison Jenkins, Assist. to Administrator

Jane Dooley, Minutes Secretary

Robert Timpani, Facilities Mgr.

#### **Town Counsel**

Donna B. MacKenna

#### **Town Moderator (Elected)**

Bruce C. Ramsey, 2006

#### **Town Clerk (Elected)**

Jane M. Wetson, 2008

Marissa Frerk, Administrative Assistant

#### **Registrar of Voters**

Mary Anne Burrige, 2008

Edward W. Seaver, Jr., 2006

Jim Richards, 2007

Jane M. Wetson, ex-officio

#### **Personnel Board**

Larry Warner, 2007

Anne Marie Cullen, 2008

Lori Johnson, 2006

Tom Lawnsby, 2008

William Boesch, 2008

#### **MAPC Representative**

Jean Nelson, 2005

#### **MBTA Representative**

Peter Burnham, 2005

### FINANCE

#### **Finance Director/Accountant**

Cheryl A. Robertson

Dyan M. Katz, Assistant Accountant

#### **Treasurer/Collector**

Cheryl J. Booth

Margaret A. McLoughlin Asst. Treas/Coll.

Christine L. Larcom, Admin. Asst.

#### **Board of Assessors (Elected)**

Robert H. Trussell, 2008

Steven Ozahowski, 2006

Gelean M. Campbell, 2007

Thomas S. Hogan, Jr., Appraiser

Robin Nolan, Director of Office

Margaret C. Donovan, Admin. Assistant

#### **Finance/Advisory Committee**

Laurie Wilson, 2007

Stephen Homer, Associate

Henrietta Gates, Associate

Steven Loeper, 2006

Arthur Oberheim, 2007

Robert Greenwald, 2008

Jane Dever Prince, 2008

### HEALTH/HUMAN SERVICES

#### **Board of Health**

Stephen Druschel, 2008

Julia Steeves, 2007

John Jacobi, Consultant Agent

Anne Jackman, Assist. Animal Inspector

Dyan Katz, Animal Inspector

Gail Messelaar, Administrator Assistant

Doris Cole, Secretary

JoAnne Ainsworth, 2006

#### **Council on Aging**

Mimi Fanning

Mary Maione

David Cooper

Bill Jenkins

Dorothy Lamson

Barbara Essensa

#### **Senior Services Coordinator**

Lindsey Snively

#### **Housing Authority (Elected)**

Julie Martineau, Coordinator

Leon Purington, State

Jay Burnham, 2006

Robert Poole, 2007

Leigh Keyser, 2009, Chairman

Clarence Trepanier, 2010

## WHO'S WHO 2005

### Hamilton Foundation

Loretta Cusick, Chair  
Mark Herrick  
Julie Nagazina  
Aletta Bond  
Heather Ford

### Office on Disability

Candace Wheeler, ADA Coordinator  
Leigh Keyser, 2005  
David Cooper, 2005

### Veterans District Director

Terrance Hart

### Veterans Graves Officer

Albert Lougee, 2005  
Jack Akin, 2005

### Burial Agent

Terrance Hart

### PUBLIC SAFETY

#### Police Chief

Walter D. Cullen, 2007

#### Police Officers

Lt. Robert A. Nyland  
Sgt. Paul R. Grant  
Sgt. Donald D. Dupray  
Sgt. Scott G. Janes

#### Patrolmen

Arthur Hatfield  
Stephen Trepanier  
Brian Shaw  
Karen Wallace  
Kenneth Nagy  
Matthew Donovan  
Michael Marchand  
Stephen Walsh  
Kent Richards  
Michael Wetson

#### Lockup

Edward Seaver, 2005  
Clarence Trepanier, 2005

### Reserves

Joe Achadinha  
Sean Cullen  
Charles Downey  
David Mastrianni  
Andrew Neill  
Nathan Swisher

### Public Safety Building Committee

Kalil Boghdan, Chairman  
Walter D. Cullen  
Anne Marie Cullen  
Bob DeFelice  
Dick Flynn  
Phil McCarthy  
Phil Stevens

### Harbormasters

Walter D. Cullen, 2005  
Robert Blanchard, 2005  
Stephen Trepanier, 2005

### Parking Clerk

Jane M. Wetson

### Emergency Management Director

Walter D. Cullen  
Myrna Doran, Administrative Assistant  
Rev. Louis Bourgeois, Chaplain

### Fire Chief

Philip W. Stevens, Jr., 2007

### Deputy Chiefs

Kenneth Brand  
Daniel Parsons  
Channing Howard

### Captain

Daniel Ellison  
Mark Goodwin

### Lieutenant

Michael Twomey  
Raymond Brunet  
David Shaughnessy  
Joseph Allen

## WHO'S WHO 2005

### Safety Officers

Donald Killam  
Ronald Lees, Assistant

### Auxiliary

Walter Christiansen

### Firefighters

Harold Allen (On Leave)  
Richard Ayer  
Gregory Chane (Appointed 7/1)  
Brandon Clark  
Jeremy Clark  
Edward Contilli  
Stephen Collins  
Timothy Crosbie (Resigned 2/16)  
Jeffrey Cross  
David Dolan (Appointed 11/1)  
Michael Dolliver  
Kristine Ellis  
Andrew Ellison  
Brain Hill  
Keith Holloran (Resigned 6/30)  
Steven McInnis  
Edmund L. Mullin, Jr.  
Andre Painchaud  
Carl Potter  
Glenn Preston  
Kevin Preston  
Michele Sargent (Resigned 6/30)  
Alexander Shaw (On Leave)  
Kenneth Shedden  
Erick Tarr  
William Tetrault (Resigned 6/30)  
Mark Wagner (On Leave)  
Peter Walton

### Forest Warden

Philip W. Stevens, Jr.

### Deputy Forest Wardens

Kenneth Brand  
Daniel Parsons  
Channing Howard  
Daniel Ellison  
Mark Goodwin  
Michael Twomey  
Ray Brunet  
David Shaughnessy  
Joseph Allen  
Edmund L. Mullin, Jr.

### Emergency Communications Board

Walter Cullen  
William MacKenzie  
Steven Kenney  
Phillip W. Stevens, Jr.  
Calvin Perkins  
Daniel Lynch  
Anne Marie Cullen  
Peter Hersee

### Emergency Center Staff

**Anne Marie Cullen, Director**  
Kevin Harrison  
Keith Holloran  
Joe Achadinha  
Brian Pratt  
Kenneth Brand  
Cynthia Shaw  
David Mastrianni  
James McNeilly  
Andrew Neill

### TIP Coordinator

**Steven Kenney**

### Tree/Insect Coordinator

**Steven Kenney**

### Public Works

**Steven T. Kenney, Director**  
Board of Selectmen serve as Board of  
Public Works  
Gail Hannable, Administrative Assistant  
Nancy Stevens, Administrative Assistant  
Harold Allen  
Rick Campana  
Peter Cobb  
Kirk Davis  
David Dolan  
Gary Kureta  
Jeff Mazzetta  
Ivan Muise  
Paul Rigol  
Joseph Shea  
Timothy Shea  
Greg Stevens



**LAND/BUILDING USE**

**Conservation Commission**

Camilla Rich, 2008  
Peter Dana, 2006  
John Hamilton, 2006  
Virginia Cookson, 2007  
Robert Cronin, 2007  
Michelle Stecyk, 2007  
John Rhoads, Aux  
John Hendrickson, Aux  
James Hankin, Coordinator  
Sarah Getchell, 2007  
Miles River Task Force

**Landfill Steering Committee**

Tom Spang  
Betsy Spang  
David Kerr  
Bill Gisness  
John Lawrence, Jr.  
Winfred Whitman  
Steve Druschel  
Evelyn Shuman  
Peter Twining  
William Bowler

**Community Preservation Committee**

Chris Davis, Chairman  
Tom Catalano  
Bob Bullivant  
David Carey  
Peter Clark  
Peter Dana  
Leigh Keyser  
Ray Whipple  
Lindle Willnow

**Open Space Committee**

Susanna Colloredo-Mansfeld, Chairman  
Sarah Getchell, Coordinator  
Gretel Clark  
Chris Davis  
John Hamilton  
John Hendrickson  
Jacqueline Hodge  
Betsy Hopkins  
Sue McLaughlin  
Paul Penner  
Lucy Pingree  
John Rhoads  
Michele Stecyk

**Agricultural and Equestrian Committee**

Peter Britton  
Andrew Rodgers  
Stephen Druschel  
Camilla Rich  
Susan Lawrence  
Susan Sandler

**Planning Board (Elected)**

Marc Johnson, 2008  
Peter Clark, 2007  
Rick Mitchell, 2008  
Susie Richey, 2009  
David Santomena, 2010  
Evelyn Shuman, 2006  
Dorothy Stookey, 2009  
Jean Nelson, Planning Coordinator

**Economic Development Committee**

Peter Twining, Chair  
Carl Swanson  
Charles Chivakos  
Peter Gourdeau  
William Gisness

**Housing Partnership Committee**

David Carey  
Robert Poole  
Sara Del Rio  
William Gavin  
Daniel Gaquin

**Zoning Board of Appeals**

Beth Ganister, 2008  
Winfred Whitman, 2006  
David Sullivan 2007  
Diane Meibaum, alt  
Susan Wiltshire, alt

**Inspection Department(s)**

Charles Brett, Building  
Robert Brown, Electrical  
William Thomas, Gas/Plumbing

**Assistants**

John Caldwell  
Mark Unger  
Michael Twomey  
Debra Paskowski, Administrative  
Assistant

## WHO'S WHO 2005

### **Historic District Commission**

Thomas Catalano, 2007  
Arthur Crosbie, 2008  
Elizabeth Wheaton, 2008  
Robert Payne, 2008  
James Donovan, 2008  
Stephen Homer, 2007  
Stephanie Serafini, Alternate, 2007

### **Hamilton Historical Society**

Arthur Crosbie  
Annette Janes  
Linda Coonrod  
Kay Turner  
Emily Cook  
Mary Anne Burr ridge  
Edna Barney

### **Road Safety Committee**

Bradford Kimball  
Marie Buckley  
Phyllis Cutler  
Matt Donovan, Police Representative  
Tim Ford  
John Hamilton  
John Hendrickson  
Camilla Rich

### **Sealer of Weights and Measures**

Robert Rose

### **Chebacco Woods Management**

Ralph Smith, Manchester  
Virginia Cookson  
Sue McLaughlin  
Ann Barton, Select. Representative  
Bob Moroney, ex-officio Manchester  
Joe Sabella, Manchester

### **OTHER REGIONAL PROGRAMS**

#### **Hamilton-Wenham Library Trustees (Elected)**

Elizabeth Stanton, 2006  
Annette Janes, 2006  
Doris Gallant, 2007  
Madelyn Liberti, 2007

### **Hamilton-Wenham Recreation Board**

Lindle Willnow, 2006  
Denis Curran, Jr.  
Bob Kerrigan, 2007  
Renee LaForce-MacDonald  
Jane Lyman, 2007  
Jay Butler, 2008

Margaret Whitesell, Director  
Diane Brown, Administrative Assistant

### **Hamilton-Wenham Library**

Jan Dempsey, Director  
Diane Barrett  
Bethany Bodengraven  
Tim Bean  
Lisa Craig-McCormack  
Nancy Day  
Kelly Flynn  
Lorraine Der  
Jeanine Curtis  
Karen D'Ambrosio  
Julie Preston  
Brett DeBose  
William Devitt  
Suzanne Liacos-Dix  
Elizabeth Bellucci  
Janet Dykstra  
Josh Lear  
David Lindsay  
Dane Webber

### **Hamilton-Wenham Cultural Council**

Joanne Jones  
Meredith Gisness  
Lorrie Berry  
Deirdre Samuelsson  
Elizabeth Roberts  
Mary Buntin

## WHO'S WHO 2005

### **Hamilton-Wenham Technology Committee**

Tom Bishop  
Tom Cannon, 2006  
Charles Carrigan, 2006  
Jeff Chelgren  
William Furbur  
Jeff Ham, 2005  
Dick Hewett, 2006  
Kimberly Jaeger, 2006  
Jeff McCormack  
Robert McKean, 2006  
Bill Melville  
Charles Rogal  
Candace Wheeler, 2006  
Margaret Whittaker  
Andy Wood, 2006

### **SCHOOLS**

#### **Superintendent of Schools**

Marinel D. McGrath, Ed. D.

#### **School Business Administrator**

Charles E. Cooke, III

#### **Director of Curriculum**

Maryellen Duffy, Ed. D.

#### **Director Student Services**

David Magee

#### **Preschool and Out of District Coordinator**

Deborah Frontierro

#### **Principals**

Brian O'Donoghue, Buker  
Susan Cooke, Cutler  
Martha Cesarz, Winthrop  
Janis DeSantis, Miles River  
Robert Krol, H-W Regional High School  
Allison Collins, Assist. Principal, H-W  
Regional High School

### **Regional School District Committee (Elected)**

Elaine Carey, 2006  
William Patten, 2006  
Catherine Harrison, 2008  
Richard L. Boroff, 2008  
Denise A. Bisaillon, 2007  
Lisa S. Gaquin, 2007  
Donald Gallant, 2007  
William Martin, 2008  
Nancy A. Morse, 2006

### **Long Range Financial Planning Committee**

Jim Bryant  
Steve Loeper  
Cheryl Robertson  
Candace Wheeler  
Don Pickard  
Jeff Chelgren  
Rich Viscay  
Don Gallant  
Elaine Carey  
Chuck Cooke  
Marinel McGrath

### **Budget Process Committee**

Bill Bowler  
Laurie Wilson  
Alexa McCloughan  
Candace Wheeler  
Peter Hersee  
Larry Swartz  
John Clemenzi  
Jeff Chelgren  
Richard Boroff  
Catherine Harrison  
Elaine Carey  
Chuck Cooke  
Marinel McGrath

# TREASURER / COLLECTOR

## GOVERNMENTAL FUNDS BALANCE SHEET

JUNE 30, 2005

ASSETS	General	Community Preservation	Nonmajor Governmental Funds	Total Governmental Funds
Cash and cash equivalents.....	\$ 1,358,751	\$ -	\$ 845,400	\$ 2,204,151
Investments.....	-	-	205,467	205,467
Receivables, net of allowance for uncollectible amounts:				
Real estate and personal property taxes.....	221,138	-	-	221,138
Real estate tax deferrals.....	59,561	-	-	59,561
Tax liens.....	245,075	-	-	245,075
Motor vehicle and other excise taxes.....	74,465	-	-	74,465
Community preservation surcharges.....	-	-	-	-
Departmental and other.....	-	-	35,128	35,128
Intergovernmental.....	108,067	-	43,295	151,362
Loans.....	-	-	32,665	32,665
Investment in joint venture.....	348,277	-	-	348,277
Restricted assets:				
Cash and cash equivalents.....	-	1,603	568,570	570,173
<b>TOTAL ASSETS.....</b>	<b>\$ 2,415,334</b>	<b>\$ 1,603</b>	<b>\$ 1,730,525</b>	<b>\$ 4,147,462</b>
<b>LIABILITIES AND FUND BALANCES</b>				
LIABILITIES:				
Warrants payable.....	\$ 377,817	\$ -	\$ 10,684	\$ 388,501
Accrued payroll.....	70,965	-	16,806	87,771
Other liabilities.....	92,783	1,603	-	94,386
Deferred revenue.....	530,256	-	35,127	565,383
<b>TOTAL LIABILITIES.....</b>	<b>1,071,821</b>	<b>1,603</b>	<b>62,617</b>	<b>1,136,041</b>
FUND BALANCES:				
Reserved for:				
Encumbrances and continuing appropriations.....	209,280	-	-	209,280
Stabilization.....	-	-	54,887	54,887
Tip fee stabilization.....	-	-	134,919	134,919
Loans.....	-	-	32,665	32,665
Perpetual permanent funds.....	-	-	204,429	204,429
Other specific purposes.....	-	-	340,557	340,557
Unreserved:				
Designated for subsequent year's expenditures.....	346,452	-	-	346,452
Designated for investment in joint venture.....	348,277	-	-	348,277
Undesignated, reported in:				
General fund.....	439,504	-	-	439,504
Special revenue funds.....	-	-	415,337	415,337
Capital projects funds.....	-	-	191,360	191,360
Permanent funds.....	-	-	293,754	293,754
<b>TOTAL FUND BALANCES.....</b>	<b>1,343,513</b>	<b>-</b>	<b>1,667,908</b>	<b>3,011,421</b>
<b>TOTAL LIABILITIES AND FUND BALANCES.....</b>	<b>\$ 2,415,334</b>	<b>\$ 1,603</b>	<b>\$ 1,730,525</b>	<b>\$ 4,147,462</b>



# TREASURER / COLLECTOR

## GOVERNMENTAL FUNDS STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES FOR THE FISCAL YEAR ENDED JUNE 30, 2005

	General	Community Preservation	Nonmajor Governmental Funds	Total Governmental Funds
<b>REVENUES</b>				
Real estate and personal property taxes.....	\$ 16,438,868	\$ -	\$ -	\$ 16,438,868
Motor vehicle and other excise taxes.....	1,077,229	-	-	1,077,229
Tax liens.....	208,601	-	-	208,601
Payments in lieu of taxes.....	23,864	-	-	23,864
Charges for services.....	-	-	446,467	446,467
Intergovernmental .....	1,032,718	-	312,521	1,345,239
Special assessments.....	4,027	-	-	4,027
Penalties and interest on taxes.....	53,363	-	-	53,363
Licenses, permits and fees.....	246,964	-	-	246,964
Fines and forfeitures.....	7,775	-	-	7,775
Departmental.....	109,451	-	-	109,451
Contributions.....	-	-	27,933	27,933
Investment income.....	31,714	-	24,503	56,217
Other.....	-	-	8,557	8,557
<b>TOTAL REVENUES.....</b>	<b>19,234,574</b>	<b>-</b>	<b>819,981</b>	<b>20,054,555</b>
<b>EXPENDITURES</b>				
Current:				
General government.....	1,049,787	-	42,535	1,092,322
Public safety.....	2,154,695	-	280,817	2,435,512
Education.....	12,347,185	-	-	12,347,185
Public works.....	1,590,477	-	198,536	1,789,013
Health and human services.....	112,191	-	7,923	120,114
Culture and recreation.....	693,490	-	165,900	859,390
Pension benefits.....	394,545	-	-	394,545
Employee benefits.....	540,816	-	-	540,816
Property and liability insurance.....	158,522	-	-	158,522
State and county charges.....	178,309	-	-	178,309
Debt service:				
Principal.....	180,000	-	-	180,000
Interest.....	90,209	-	-	90,209
<b>TOTAL EXPENDITURES.....</b>	<b>19,490,226</b>	<b>-</b>	<b>695,711</b>	<b>20,185,937</b>
<b>EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES.....</b>	<b>(255,652)</b>	<b>-</b>	<b>124,270</b>	<b>(131,382)</b>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in.....	456,274	-	2,583	458,857
Transfers out.....	(169,706)	-	(339,522)	(509,228)
<b>TOTAL OTHER FINANCING SOURCES (USES).....</b>	<b>286,568</b>	<b>-</b>	<b>(336,939)</b>	<b>(50,371)</b>
<b>NET CHANGE IN FUND BALANCES.....</b>	<b>30,916</b>	<b>-</b>	<b>(212,669)</b>	<b>(181,753)</b>
<b>FUND BALANCES AT BEGINNING OF YEAR (AS RESTATED).....</b>	<b>1,312,597</b>	<b>-</b>	<b>1,880,577</b>	<b>3,193,174</b>
<b>FUND BALANCES AT END OF YEAR.....</b>	<b>\$ 1,343,513</b>	<b>\$ -</b>	<b>\$ 1,667,908</b>	<b>\$ 3,011,421</b>

**TREASURER / COLLECTOR**

**Annual Report  
Calendar Year Ending  
12/31/05**

I hereby submit my Annual Report as Treasurer/Collector for the Town of Hamilton for the calendar year ended December 31, 2005.

<b>January 1, 2005</b>	\$ 2,125,402
Receipts	\$ 27,807,010
Disbursements	<u>(\$ 21,210,146)</u>
<b>December 31, 2005</b>	<u><u>\$ 8,722,266</u></u>

**Investments - December 31, 2005**

Stabilization Fund	\$ 510,180
Clark Property Fund	\$ 223,890
Conservation Commission	\$ 77,407
Cultural Council	\$ 7,861
Comcast	\$ 84,433
CPA	\$ 130,821
Bartholomew	\$ 5,821,379
Merrill Lynch - Trust Funds	<u>\$ 390,519</u>
	<u>\$ 7,246,488</u>

Respectfully Submitted,

**Cheryl J. Booth, CMMT, CMMC, Treasurer/Collector**

# TREASURER / COLLECTOR

## Annual Report Calendar Year Ending 12/31/05

		January - June	July - December	Total
<u>COLLECTIONS</u>	<u>YEAR</u>			
REAL ESTATE	2006	\$ 92,511	\$ 7,970,622	\$ 8,063,133
	2005	\$ 8,694,582	\$ 158,536	\$ 8,853,118
	2004	\$ 4,176	\$ -	\$ 4,176
	Prior to 2003			\$ -
		<u>\$ 8,791,269</u>	<u>\$ 8,129,158</u>	<u>\$ 16,920,427</u>
PERSONAL PROPERTY	2006	\$ 271	\$ 61,229	\$ 61,500
	2005	\$ 64,084	\$ 204	\$ 64,288
	2004	\$ -	\$ 3	\$ 3
		<u>\$ 64,355</u>	<u>\$ 61,436</u>	<u>\$ 125,791</u>
MOTOR VEHICLE EXCISE	2005	\$ 812,836	\$ 163,871	\$ 976,707
	2004	\$ 29,011	\$ 5,829	\$ 34,840
	2003	\$ 2,772	\$ 908	\$ 3,680
	Prior to 2002	\$ 736	\$ 548	\$ 1,284
		<u>\$ 845,355</u>	<u>\$ 171,156</u>	<u>\$ 1,016,511</u>
BOAT EXCISE	2005	\$ -	\$ 2,873	\$ 2,873
	2004	\$ 116	\$ -	\$ 116
	2003	\$ 108	\$ -	\$ 108
		<u>\$ 224</u>	<u>\$ 2,873</u>	<u>\$ 3,097</u>
WATER				
Rates		\$ 344,962	\$ 478,308	\$ 823,270
General Billing		\$ -	\$ 4,958	\$ 4,958
Liens		\$ 16,231	\$ 4,224	\$ 20,455
Penalties & Interest		\$ 311	\$ 338	\$ 649
		<u>\$ 361,504</u>	<u>\$ 487,828</u>	<u>\$ 849,332</u>
CPA Interest	2006	\$ 1,604	\$ 129,421	\$ 131,025
		\$ -	\$ -	\$ -
		<u>\$ 1,604</u>	<u>\$ 129,421</u>	<u>\$ 131,025</u>
TAX TITLES		<u>\$ 11,527</u>	<u>\$ 20,893</u>	<u>\$ 32,420</u>
BETTERMENTS		<u>\$ 4,027</u>	<u>\$ -</u>	<u>\$ 4,027</u>
PENALTIES & INTEREST		<u>\$ 33,210</u>	<u>\$ 25,838</u>	<u>\$ 59,048</u>
MUNICIPAL LIEN CERTIFICATES		<u>\$ 3,950</u>	<u>\$ 3,100</u>	<u>\$ 7,050</u>
TOTAL		<u>\$ 10,117,025</u>	<u>\$ 9,031,703</u>	<u>\$ 19,148,728</u>

## BOARD OF ASSESSORS

For 2005, the total assessed taxable valuation of Hamilton is \$1,477,930,760 with a property tax levy of \$17,631,714. The fiscal year 2006 tax rate as certified by the Department of Revenue is \$11.93 down .59 from the previous year. Building permits issued in 2005 resulted in an additional \$173,696 in tax levy growth.

In 2005, the Board of Assessors completed an in-house revaluation of all property in the town of Hamilton as required by the Department of Revenue. Under Massachusetts's law, this Board is required to value all of Hamilton's 2,781 properties at 100 percent of their full and fair cash valuation, thereby insuring an equitable distribution of the property tax levy. As a result of this revaluation, the town's average single-family valuation increased 11 percent to \$539,500. More importantly, we believe that we have met our statutory obligation to re-establish proper assessment level and uniformity throughout the town of Hamilton. Final Department of Revenue certification of assessed valuations was granted in December and property tax bills were subsequently mailed at the end of December. The current valuation and levy percentages based upon property class are as follows:

Residential	1,412,386,400	95.6%
Commercial	54,773,500	3.7%
Industrial	697,000	.0%
Personal	9,756,760	.7%

In 2005, the Assessing Department completed the fourth year of a state-mandated data re-collection program. This process is an important component of maintaining the integrity of Hamilton's real property information database.

This year also saw the Community Preservation Act voted in. This puts a 2% surcharge on the tax bill based on the total tax after an exemption of \$100,000 off the assessed value. This money will be matched by the State and used for Affordable Housing, land purchasing to keep open space and Historical preservation.

We would like to assure all property owners that the Board of Assessors will continue its effort to meet the challenge of maintaining equitable assessments in this current real estate market.

Respectfully submitted,

**Robert H. Trussell, Chairman**



## **BOARD OF HEALTH**

The Board of Health is responsible for the overall stewardship of the public health and environmental protection of the town. Responsibilities are defined both by local bylaws and state law. The Board promotes, enacts, and enforces all health and environmental laws, rules and regulations. Additionally, the Board of Health conducts health clinics, participates in education programs wherever possible and administers the contracts for a food inspection program, a public health nurse and communicable disease follow-up program, and animal inspection services.

The Board consists of three members serving three-year terms in rotation. Stephen Druschel served as Chair, Elizabeth Bernick and Julia Steeves continued as members. Elizabeth Bernick resigned from the Board and Joanne Ainsworth was appointed to finish her term. John Jacobi is the Health Agent. Gail Messelaar continued as Administrative Assistant as well as Doris Cole as part-time Administrative Assistant. Dyan Katz was reappointed as Animal Inspector and Anne Jackman was reappointed as Assistant Animal Inspector.

In 2005, the Hamilton Board of Health continued to be pro-active in the review and formulation of a disaster plan in concert with the Department of Public Health and the Office of Domestic Preparedness. Hamilton is one of fifteen cities and towns with the North Shore & Cape Ann Emergency Preparedness Coalition. The City of Salem is the host community for the coalition. The coalitions were created by the Department of Health in an effort to centralize command and control within specified areas of the Commonwealth. Distribution of Federal assistance in a disaster event will be concentrated within the host community and filtered down to each city and town within the coalition. The Hamilton Board of Health's mission is to provide local assistance to the inhabitants of the community during an event.

The Board is working in conjunction with Walter Montgomery of the Northeast Massachusetts Mosquito Control, the Board of Selectmen, and town residents to establish a Mosquito Control Monitoring program for the town.

The Health Agent enforced Massachusetts Title V regulations for sewage disposal. This included many site visits to existing and proposed home sites, review and approval of plans, and the issuing of treatment and disposal system permits. Our role also includes the inspection of construction of the sewage systems and involvement in the permit process for work on existing and new homes.

Semi-annual food inspections were performed by Ernest Vieira at all permanent, limited and temporary establishments that sell and/or prepare food including the school cafeterias in the Hamilton-Wenham School District.

Partners Home Care provided public health, preventative health and health promotion services to the residents of Hamilton. These included: tuberculosis screening; immunization against other communicable diseases; communicable disease follow-up by telephone and/or home; visits with completion of epidemiological survey; one time home visits to high risk mothers and their newborns; occasional home visits to assess an individual's health and safety and grief visits.

Influenza/pneumonia vaccination clinics were held by the Board of Health and Partners Home Care.

In May, a rabies immunization clinic for dogs and cats was offered at the Town garage. The clinic was sponsored by the Veterinary Association of the North Shore. Gail Messelaar, Administrative Assistant, and part-time Administrative Assistant, Doris Cole provided assistance.

The Board cannot over emphasize the absolute need for dog and cat owners to obtain rabies vaccinations for their pets and revaccinations on the required schedule. Please have your cats and

dogs vaccinated not only to protect their health but also to prevent rabies in humans, as pets are the bridge between ground animals and humans. Pets must be revaccinated within one (1) year of their initial vaccination and revaccinated as recommended by the Veterinarian or vaccine manufacturer thereafter.

The Commonwealth of Massachusetts, Department of Food and Agriculture, Division of Animal Health and Dairying requires all horses, ponies, cattle, sheep, goats, swine, and flocks of poultry numbering twenty-five (25) or more to be inspected and an annual census completed.

The Inspector of Animals conducted inspections of the animals and their housing conditions at sixty-three (63) sites in Hamilton.

During the year the Board performed the following reviews and issued the types and numbers of licenses listed below.

Beef Cows	3
Mini Horses	1
Horses	321
Ponies	20
Donkeys	5
Mini Donkeys	11
Goats	4
Swine	1
Poultry Flocks	1
Waterfowl	4
Roosters	1
Rabbits	5
Guinea Hens	3

Disposal Works Construction (New)	3
Disposal Works Construction (Repair)	73
Disposal Works Construction (Renewal or Transfer)	2
Subdivision Review	0
Food Establishment	29
Temporary Food Establishment	8
Disposal Works Installers	42
Exams for Disposal Works Installers	3
Septage Pumps	13
Portable Toilets	2
Keeping of Animals	38
Stables	38
Wells	5
Pool Permits	2
Recreational Camps	6
Tobacco Sales Permits	8

Numerous environmental and housing complaints were also investigated and properly handled in accordance with State regulations.

The Board also distributed the following number of doses of vaccines and biologics.

<b>DTAP-HEPB</b>									
<u>Hep B</u>	<u>DTAP</u>	<u>IPV</u>	<u>Hib</u>	<u>MMR</u>	<u>DT</u>	<u>Td</u>	<u>PPV23</u>	<u>PCV7</u>	<u>IPV</u>
70	110	215	190	120	20	1,049	110	100	80

Fees Collected in calendar year 2005

Fees/Permits	\$21,513.99
Permits/Fines	\$250.00
Tobacco Sales; Septic Loan Installments	\$4,511.19
Total	\$26,275.18

These monies were turned over to the Town Treasurer.

Respectfully submitted,

**Stephen Druschel, Chairman**

## **CHEBACCO WOODS LAND MANAGEMENT COMMITTEE**

During the year, the Committee obtained approval from both towns for a second land swap to remedy the second large encroachment on the property. This encroachment involved inadvertent clearing of woodland well before the towns purchased the land from Gordon College. R. C. Smith, Chairman, is currently working with Lisa Press preparing the Environmental Notification Form pursuant to obtaining MEPA and subsequently legislative approval for both land swaps.

Sue McLaughlin continued to conduct monthly trail walks open to the public; Virginia Cookson filled in for Sue on a number of weekends.

David Smolinsky of Hamilton, who was working toward his Eagle Scout badge, turned in his report on boundary markers. He found all but three as well as various markers in need of repair. The Committee plans to have Hancock repair or replace markers as necessary. Smolinsky also painted a number of faded trail markers.

Mary Rimmer of Rimmer Environmental Consulting, LLC obtained from the Hamilton Conservation Commission renewal of the expired Order of Conditions for trail work using funds provided under a 2001 state grant totaling \$50,000. Sue McLaughlin has been in charge of organizing the project.

Paul Helgesen and Mark Stolle of Gordon College have been kind enough to permit use of college property for storage of materials.

Mary Rimmer also obtained an amendment to the aforementioned Order of Conditions which will allow the Committee to work with two abutters to remove a culvert on one of the streams that crosses the property. This work will restore normal flow to the stream. We have applied to Massachusetts Parks AmeriCorps for volunteers to help with the project, which is scheduled for late summer of 2006 during the low water period.

Joe Sabella resigned to devote more time to other committees on which he serves in Manchester. At this time, we are still looking for a replacement.

Stendahl Tree of Ipswich received \$800 to remove approximately 15 trees and large limbs which posed danger to visitors.

At this writing, the Committee has \$792.01 remaining in its annual budget; we will use this money for new maps, office supplies and expenses associated with the aforementioned land swaps.

**R. C. Smith, Chairman**



## COMMUNITY PRESERVATION COMMITTEE

Following the Town's adoption of the Community Preservation Act (CPA) (2% property tax surcharge with exemptions) at the May 2005 Town election and the passage of a bylaw creating the Committee at the 2005 Annual Town Meeting, the nine-member Community Preservation Committee (CPC) was appointed by the Board of Selectmen and other boards in June 2005. The purpose of the CPC is to study the Town's needs and possibilities in the areas of open space preservation, community housing, historic preservation and recreation, to accept applications for projects in these areas and to make recommendations to Town Meeting for such projects to be funded with CPA funds. CPC members are Chris Davis (Chair; at large); Tom Catalano (Vice-Chair: Historic District Commission); Bob Bullivant (Selectmen/Parks Commission); David Carey (Housing Partnership; at large); Peter Clark (Planning Board); Peter Dana (Conservation Commission); Leigh Keyser (Housing Authority); Ray Whipple (at large) and Lindle Willnow (Recreation Board; at large). The CPC has met at least monthly, and often weekly during the winter.

Initially, the Committee developed project review procedures, criteria priorities and an application form. These, and background information on the CPA and its implementation in Hamilton, are posted on the CPA web page on the Town website. Proposals for CPA funding were due on January 12, 2006 and the Committee received and reviewed approximately twenty proposals. Approximately \$580,000 in Town CPA surcharges and state CPA matching funds are expected to be available this year. The Committee has met with project applicants, selected the projects to be recommended for funding in fiscal year 2007, and will present its proposed projects at a public hearing on March 2, 2006. The CPC will present its recommendations to Town Meeting at the Annual Town Meeting in May 2006.

Respectfully submitted,

**Chris Davis, Chairman**



## CONSERVATION COMMISSION

The Hamilton Conservation Commission's primary task is the administration and enforcement of the state Wetlands Protection Act (Ch. 131 §40) and the Town's Conservation By-Law, Chapter 17. The Commission also seeks to fulfill its mandate by funding environmental education programs in the regional school system and by organizing and publicizing various conferences and events that seek to protect open space and inform residents of the value of preservation of woodlands and scenic areas as well as trail access and management.

### **Conservation Commission jurisdiction and procedure:**

The Commission's jurisdiction includes all proposed changes in land use which will occur within defined wetlands or within 100 feet of the defined edge of wetlands, or within 200 feet of the perennial streams and rivers within the borders of the Town. The Commission considers applications (known as "Requests for Determination" and also "Notices of Intent") for work in these areas and holds site walks to evaluate the conditions at the work area. The Commission then conducts public hearings or public meetings to decide if a permit (either a "Negative Determination" or an "Order of Conditions") shall issue. Once a project is completed, the Commission holds another site walk to establish that the project was finished in the same manner as it was originally proposed and that no damage to resource areas has occurred. A Certificate of Compliance is then issued and the process is complete. The Commission also investigates violations of the Wetlands Act and local Conservation By-Law and the Commission issues Enforcement Orders or Violation Notices if appropriate.

### **2005 Special Projects and Issues:**

The Commission continued its ongoing initiative to work with local non-profit groups in addressing the ongoing beaver flooding issues in town. Water level control devices (known as beaver deceivers) continue to be installed in Hamilton. These devices, when installed properly, have negligible impact on beaver habitat and can substantially lower water levels. The Commission encourages land owners who have dams and are directly impacted by beaver flooding to contact the Commission office for direction on how to apply for permission to install a deceiver.

The Commission's Open Space Committee met regularly to review the needs of the Town relative to preservation of Open Space. The Committee continues to work towards revising the Hamilton Open Space Plan and they seek to have the revised plan finalized, approved and in place early in 2006.

The Commission, after a public hearing, amended Hamilton's regulations in 2005. The changes included: designation of material and vegetation inappropriate for use in local and state resource areas; creation of new setback zones for proposed work in jurisdictional areas; creation of new standards of review for work in local resource areas; election and titles of Commission officers; new rules concerning expiration of local permits; several local procedures in the event the Massachusetts Department of Environmental Protection promulgates a new "General Permit" for work within jurisdiction; rules concerning applicant payment of Commission retained consultant fees; and delineation of resource areas in times of cold weather. The Commission also adopted a new "Enforcement Policy" to assist the public and Commission in understanding and abiding by the relevant rules and regulations in a situation involving a violation of state or local law.

The Commission again arranged and ran the Town's celebration of National Trails Day with a cookout and events at Bradley Palmer State Park. This has become an annual highlight for the residents and the Commission, but has recently fallen short of funds. The Commission seeks small donations from individuals and firms to underwrite the minimal costs of presenting this event.

**Education Program**

The Commission funded an Environmental Education program for the students in almost all grade levels in the Hamilton-Wenham Regional School District. The program is designed and run by the Massachusetts Audubon Society and it is subject to in-depth review and amendment by the Commission annually. The Commission continues to enthusiastically support and promote this program.

**2005 Filings and Other Regulatory Decisions**

18 Requests for Determination  
15 Orders of Conditions  
3 Modifications of Orders of Conditions  
11 Enforcement Orders and Violation Notices  
7 Extensions  
6 Certificates of Compliance  
1 Conservation Restriction Approved  
1 Order of Resource Area Delineation  
1 Emergency Certification

**Members and Staff (Term Expiration)**

**John Hamilton, Co-Chair (2006)**

**Michele Stecyk, Co-Chair (2007)**

Virginia Cookson (2007)

Robert Cronin (2007)

Peter Dana (2006)

Camilla Rich (2008)

Sarah Getchell (2008)

John Rhoads (associate member)

John Hendrickson (associate member)

James Hankin, Coordinator

## **COUNCIL ON AGING**

The Hamilton Council on Aging had a busy and successful year serving the senior community. Council members along with the assistance of dedicated volunteers worked very hard to create a wide variety of program offerings. Hamilton seniors were able to choose from day trips to the North Shore Music Theatre; Pickity Place, Mason, NH; Jordan's Furniture Store; Bull Run Restaurant/Olde Tyme Jazz Band; Danversport Yacht Club; and the very popular student run buffet luncheons at the North Shore Technical Vocational High School. We were also able to offer our first overnight trip to the lovely Pennsylvania Pocono's area where 25 Hamilton seniors thoroughly enjoyed themselves. Special events and educational forums were well attended and included the Valentine Lunch and Lifeline program, Veteran's Services Forum, Fire and Personal Safety, Medicare Part D forum, senior cookout, Salt Marsh Antiques Appraisal Day, Bingo luncheons, and our Holiday Party. Our "Stay Healthy" series is very popular and continues to grow. Our free Blood Pressure Clinic is held at the senior center on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month from 10 a.m. until noon. During the past year, 46 Hamilton seniors attended the clinic on a regular basis. Barbara Rigol continues to volunteer her time and offer a weekly Low Impact Exercise Class that is growing in popularity. HATS OFF to these wonderful volunteers who help keep our Hamilton seniors healthy!! In December, COA board members delivered holiday fruit baskets to 28 Hamilton residents over the age of 90 who live in their own homes. During the past year the council focused on the start up of a weekly "Open House" held at the senior center on Wednesday mornings between 10 a.m. and noon. This is a casual "get together" time where seniors can socialize, play cards, scrabble, work on puzzles and crafts, enjoy a cup of coffee and obtain elders issues resource information.

We continue to focus on communication to our senior community by publishing and mailing a bi-monthly senior newsletter to over 800 head of household residents. In addition, the Council on Aging maintains an office at the former Hamilton Library with a 24 hour answering service. Telephone calls that we receive range from program requests, transportation needs, health insurance questions, Meals on Wheels referrals, home health services, medical equipment rental, and housing information.

The Hamilton Council on Aging has always functioned with the efforts of many volunteers. As the program continues to grow and serve the needs of our many senior residents, the Council on Aging welcomes the ideas, suggestions, and active participation of all Hamilton Seniors.

**Lindsey D. Snavelly, Senior Services Coordinator**



## **HAMILTON – WENHAM COUNCIL ON AGING – VAN SERVICE**

The Hamilton-Wenham Council on Aging handicap-accessible van has completed its second highly successful year of operation. After a relatively slow start in January of 2004, rider ship has significantly increased with impressive usage being reported each month. Many seniors now use the service to go to their medical appointments which may include rides to Beverly Hospital, Hunt Hospital and Ipswich. Other rides includes non –medical trips to the hairdressers, grocery shopping, church, crafts at Enon Village, banks and train stations. They provide the drivers the most positive feedback, saying that this invaluable service is a lifeline to them, especially during our long New England winters, when driving can be quite difficult.

The van service now operates five days a week, from 9:00 AM – 4:00 PM. In addition, the van makes monthly Saturday mall trips, with volunteer drivers, all arranged and organized by the Hamilton-Wenham Rotary Club. In December, the van made two trips to the mall, to assist the seniors with their holiday shopping. During the month of November, the van went in for body work. During this time, the H-W Community House was gracious to lend us one of their vans, so the COA van program could continue to provide rides to seniors. For this, we would like to thank the Community House.

During the month of December, we said goodbye to John Marks. Mr. Marks originally joined the van program as a van driver and shortly thereafter, was promoted to Van Supervisor. John's personality was a wonderful asset to the program, where he made friends with the van drivers and van riders alike. Replacing John as the COA Van Supervisor is Trudy Reid, current Director for the Wenham Council on Aging. Although we hated to see John leave, the two town administrators, the selectmen, councils on aging and the van advisory committee took this opportunity to join the two positions since Mrs. Reid's office supports both positions and she also had experience in working with the van program.

The following Mission Statement is deeply rooted in a philosophy common among and shared by the staff at the COA: "The purpose of the Hamilton-Wenham Van program is to provide transportation services that will not only enrich the lives of our senior population but allow them to maintain a sense of independence as well."

**Trudy Reid, Council on Aging Van Supervisor**



## THE HAMILTON-WENHAM CULTURAL COUNCIL

The Hamilton-Wenham Cultural Council awarded slightly more than \$4,000 in state funds for the year 2005 to local artists and performers in the arts, humanities and interpretive sciences. The ten-member Council strives to select events that will enrich and appeal to all sectors of the community. There were 24 applications for grants this year. Whole or partial funding was given to 11 a sampling of which follows:

❖ Bessie Buker	Museum of Fine Arts (Pass Grant)
❖ HW Public Library	Alexander the Jester
❖ Open Road Theatre	“Robin Hood”
❖ John Root	Senior Citizen Concert
❖ Sundays in Patton Park	Summer Concerts
❖ Tre’s (NS Baroque Ensemble)	Concert at Wenham Museum
❖ Michael Tougias	“Night of the Blizzard”
❖ Veterans for Peace	Annual Peace Poetry
❖ Winthrop School	Poetry Alive

On November 10, 2005, the Hamilton-Wenham Cultural Council voted on and granted \$5,600 for 12 grant applications for the year 2006.

The Council would like to thank the following members who stepped down from the council in 2005: Mary Anne Ciriello, Meg Crossan, Sara del Rio, Chris Eaton, Mary Jo Favazzo and Helen Ribet. Your service and dedication to the arts, humanities and sciences in Hamilton and Wenham is greatly appreciated by all. The Council would like to welcome the new members to the council: Lorrie Berry, Deirdre Samuelsson, Elizabeth Roberts, Mary Buntin and Meredith Gisness. Residents of Hamilton and Wenham with an interest in the arts may want to consider applying for a position on the Council. Council members serve three-year terms and are appointed by the Boards of Selectmen. There are positions open on the Board for the coming year.

**Joanne Jones and Meredith Gisness, Co-Chairpersons**

## DEPARTMENT OF PUBLIC WORKS

I would like to begin by noting that the diversity in knowledge and background of our DPW employees, has allowed the Public Works Department to assist many Town departments and entities in multiple ways, saving the tax payers considerable tax dollars throughout the year, as well as savings we see daily within the department.

### **Highway Division**

#### **Road Program**

This was the first year the DPW did not request the \$188,000.00 for road maintenance since the 12-year "Road Program" has now ended. This year only Chapter 90 monies from the Commonwealth were utilized. Although, the Chapter 90 monies are not back to the levels they were prior to 2001, we have received additional funds. These funds allowed the DPW to complete the following projects:

Essex Street from Appaloosa Lane to Echo Cove Road and Boston Avenue received a 1 ½ inch top coat of asphalt.

Sidewalks on Alan Road from Essex Street to house #40 and Linden Street from Union Street to Willow Street were repaved and widened to meet ADA requirements.

Guardrails around various sections in town were installed.

Town Meeting was supportive in approving monies for repairs on the Highland Street Bridge. Engineering work has begun and we anticipate having all the stone work completed by the end of spring.

#### **Highway Maintenance**

Annual bids for Catch Basin Cleaning and Street Sweeping went out to bid and were completed. 746 catch basins were cleaned and 58 miles of roadway swept.

The work on the Town's drainage problems continues. The DPW continues to work on clearing and cleaning culverts throughout town and have obtained several permits from the Town's Conservation Commission to work on various drainage problems. We also completely replaced the culvert on Lake Drive near house #315. There are still several ongoing projects including repairing/replacing culverts and headwalls on Linden, Woodbury and Elm Street. The DPW continues road shoulder work, removing built-up soils in some areas and adding gravel to others; as well as cutting back brush and vegetation. Rather than subcontracting labor for line painting, the Highway personnel painted most of the traffic lines in town utilizing our own line painting machine. This allowed us to save money.

Snow removal and sanding continue to go smoothly, due to the dedication of our DPW personnel during inclement weather conditions. Some of our fleet needs to be replaced if we want to continue responding to storms efficiently. We have postponed replacing several pieces of equipment due to budget cuts and this year is no different. We needed to replace two pick up trucks but were requested to only replace one. We ask for the public's support at the upcoming Town Meeting and ballot question, allowing us to replace this truck. Due to public demands, we are increasingly using more and more salt to clear the roads. This is expensive and detrimental to the environment. We continue to attempt to balance out the needs for public safety, financial accountability and protecting the environment. Several areas in Town have been posted with "No Salt" and "Low Salt" signs to remind our operators of high salt sensitive areas of our community.

As usual, the DPW has had a busy year with tree work. We worked on 76 trees utilizing both in-house and contracted labor. A large percentage of the Town's trees are maturing at the same time, therefore, the pace of work needed is escalating. There are also various diseases that shorten the life of trees such as Elms, Maples, Ash and Hemlocks, that make up a large portion of our tree inventory. Due to funding problems, the DPW was unable to replace any of the trees we removed. Hopefully, we can plant several next year.

The opening of the landfill to residents for the disposal of brush, organic debris and inorganic continues to be in demand. We have numerous residents taking advantage of these weekend drop-offs. The demand is so high we are scheduling the first Saturday each month on a regular basis, with the exception of December through March. There was such a good response by the community that we delivered seven truckloads of chipped brush to Brick End Farm, a compost facility located on Highland Street.

### **Park Division**

Patton Park continues to be the main focus of playing fields for the sport teams of the various Joint Recreation Programs. The continuous use of Patton Park places a heavy burden on the condition of the park; but, with our staff's diligence, materials and labor financed through the Joint Recreation's funds, we continue to keep it in excellent shape.

This year the DPW and the Regional School District worked out an arrangement to have the Park employees maintain the grounds at the Cutler and Winthrop Schools and in return the School District would reimburse the Town for its services. This was done as a potential cost savings method for the School District. We should be able to maintain their elementary schools at a cost less than they spent hiring sub-contractors to perform this work.

Although the DPW has not had the time or funding this year, we continue to improve the other two parks in Town (School Street and Cutler). This helps relieve Patton Park's "wear and tear" and makes School Street and Cutler Park much more appealing for neighborhood and public use. The Regional High School did sponsor a "Give Back Day" where high school students gave some of their time to the community. One of the advantages of this was Cutler Park was raked and cleaned up. The Hamilton-Wenham Recreation Committee was also very generous and bought two new pieces of playground equipment for School Street Park. These were partially erected prior to snow fall and will be completed in the spring.

### **Cemetery Division**

The Cemetery remains in great shape. The Cemetery Foreman kept busy mowing well into what is normally planting and pruning season. Our fight with the Japanese Beetle grubs continues with positive results using biological means and not chemical pesticides. It is this type of care and dedication that illustrates the fine condition the cemetery is in.

The Cemetery conducted the following business:

Sale of Lots:	\$4,800.00
Perpetual Care:	\$5,750.00
Openings and Foundations:	\$14,450.00

The Cemetery Department has also created a site set aside solely for cremation burials. This type of lot has become increasingly popular. Grave lots are available to residents or long time residents at the following rates. If you would wish to purchase a lot contact the Department of Public Works at their office.



Cremation Lot:	\$450.00 (6)
Standard Single Grave Lot:	\$450.00
Standard Four Grave Lot:	\$1,450.00

### **Equipment Maintenance Operations**

Once again, I would like to thank the residents for their support at Town Meeting in allowing us to upgrade and maintain our fleet of vehicles. Although, our purchases have been reduced due to budget cuts, the department was able to replace our small, one-ton dump truck. This will allow us to continue our daily tasks and maintain the roads during snow storms by minimizing break downs.

The Town Mechanic continues to repair our fleet in a professional and expedient manner although we have had a year of difficult maintenance problems.

Our fuel system continues to pass its daily monitoring. The new computerized leak detection and fuel-dispensing system is working well without any problems to report.

### **Sanitation**

The Town continues its curbside pick-up contract with Hiltz Disposal Services which includes rubbish, recycling and leaf pick-up for our Town.

Our "Pay as You Throw" metals, tires, TV's, computer monitors, fluorescent lights and refrigerator programs have been very successful this year. The DPW was able to recycle these materials at no cost to the general taxpayer, as the individuals utilizing this service pay for it. We encourage our no cost drop-off of cardboard and nickel/cadmium batteries at Town Hall. There is also a drop-off point at the Town Clerk's office, Building Inspector's Office or DPW Office for mercury thermostats or any mercury-containing product at no cost and a thermometer exchange program where mercury thermometers are exchanged for electronic read thermometers. I feel it is important to recycle/reuse as much as possible, both for an environmental and economical standpoint. As of September 15, 2005, the Town ended the current restrictive contract between NESWC and Wheelabrator. This will allow the Town to be much more efficient with our refuse recovery and recycling efforts. It is the habits that we practice and adopt that will help us recycle better in the future. Recycling bins for curbside pickup are available at Town Hall for new residents or new participants wishing to get involved with the recycling program.



Our refuse disposal and recycling figures for 2005 were as follows:

	2004	2005
Municipal Household Waste:	3262	3314
Commingled Curbside Recycling:	642.62	607.06
Leaf Collection and Composting:	75	70
All Metals:	202.14	256.50
Tires:	180	277
Household Hazardous Waste:	130	74
Corrugated Cardboard:	11.19	13
TV and Computer Monitors:	450	321
Nickel/ Cadmium Batteries – 5 gallon pail	1	1
Mercury – 5gallon pail	1	1

The Town's production of waste has increased while recycling has dropped. We can now save money by increasing our recycling and not paying tip fees. The League of Women Voters will be working on public awareness campaigns aimed at getting the public more aware and involved in our recycling program. Hopefully, next year statistics will represent an increase in recycling and decrease in waste. We were able to hold a Household Hazardous Waste day event in conjunction with the Town of Wenham this fall again although there were fewer participants. Any amount of hazardous material taken out of the waste stream is a success.

### **Water Division**

The Gordon "Tiny" Thompson Filtration Plant is running well and is producing several hundred thousand gallons of clean water per day. The water leaving the plant is almost free of all metals, which has greatly improved the water quality potential in town. There is still work to be done within the distribution system, such as hydrant flushing, main installation and main replacement to improve the water that is supplied to some parts of town. In general, our water quality continues to improve. We have started drilling a replacement well for the Caisson Well at the Idlewood well field and continue our search for a water source outside the Ipswich River Basin drilling test wells at the Town Beach on Chebacco Rd.

Additional work continues on renovations at the School Street and Patton well buildings. These two renovated sites will augment the water supply from the Idlewood well field when needed and act as a backup for emergency situations.

After some negotiations, we have been granted permission from DEP to operate our deep, (120') well at the Idlewood well field (the Plateau Well). The water quality from this well is superior to the existing wells we use from this location. The addition of this well will allow us to use less chemicals and power for treatment and not place such a direct burden on the local environment and the water going to Idle Wild Brook. We continue to push the DEP through political and legal channels to allow us to operate our well fields in a reasonable and unburdened fashion using scientific data.

Our pumpage is up from last year but our per capita usage is at 60 gallons per day per person, still under the DEP's guideline of 65. The Town adopted a new water restriction by-law not allowing lawn watering during the summer days. There were only three incidences needed to be addressed last summer. This illustrates the commitment our community has to protect its well fields, sub-basins and the Ipswich River Basin. We encourage our customers to conserve wherever possible. This practice is appropriate environmentally as well as being financially advantageous.

2001	250,839,000	= Avg. GPD/PP: 84.5	Highest daily usage: 1,564,000 on Aug. 8
2002	209,173,000	= Avg. GPD/PP: 69.9	Highest daily usage: 1,102,000 on June 16
2003	239,777,000	= Avg. GPD/PP: 59	Highest daily usage: 820,000 on Aug. 26
2004	229,647,000	= Avg. GPD/PP: 50	Highest daily usage: 950,000 on June 24
2005	253,989,000	= Avg. GPD/PP: 60	Highest daily usage: 1,132,000 on July 26

GPD/PP = Gallons per day / per person / using census numbers.

Hydrant flushing remains a priority and as anticipated was accomplished this spring and fall. We will try reducing our night time flushing to one-time per year and conduct day time flushing in some parts of Town as water quality is increasing. Although the filtration plant is producing clean water, we must continue to perform this task until the mains are free from iron and manganese deposits. Thereafter, we will flush dead end mains annually to assure essential water circulation and quality.

The Water Department replaced, installed, and or repaired 18 hydrants, 25 services and 32 meters. Work is still in process with Manchester by-the-Sea to tie into their main on Chebacco Road to allow for one more intertown tie in. This will enable greater fire protection to our residents on that end of town. On Boston Avenue we looped the new 6" main and a fire hydrant into an existing 6" main on Adams Avenue. We started replacing the 2" and 4" mains on Elliot and Pleasant Street with a 6" main and hydrant this fall. We hope to complete this project by next summer.

Due to our heavy work load, we were unable to read some meters this fall, therefore, estimated bills were sent out. In order to prevent this from happening in the future, to better manage our man power and to have the ability to increase our billing cycle, we will soon be installing radio read meters. When completed, this will allow us to be able to read the Town in half a day with one person rather than three weeks to four weeks with three employees. This will enable us to read and bill more often, thus increasing the chance of finding leaks early, allowing you to better manage your water consumption and spread out the amount of your water bill.

Our Water Division field personnel, as well as other DPW employees, continue to meet the needs for the ever-changing technical field of water treatment by taking exams, attending seminars and receiving advanced Drinking Water Certification Certificates.

I submit this Annual Report of the Department of Public Works to the Honorable Board of Selectmen and the Citizens of the Town of Hamilton to which I have the pleasure of working for. If any citizen is in need of more information or has questions or comments concerning the DPW, please feel free to call us at 468-5580 or 5581.

Respectfully submitted,

**Steven T. Kenney, Director of Public Works**

**HAMILTON ECONOMIC DEVELOPMENT COMMITTEE**  
(and Hamilton Landfill Steering Committee)

The Hamilton Selectmen established the Economic Development Committee (EDC) in 2004 in accordance with the recommendations of the Master Planning update completed in that year and the request of the Hamilton Planning Board. Among its charges was to initiate work on ways that Hamilton could modify its land use policies so as to permit non-single family residential projects (like age-restricted and commercial development) and thus expand its tax base and increase its property tax revenues without adding school-age children to the town schools.

In response the EDC undertook three initiatives: (1) the development of a planned alternative development (PAD) zoning bylaw; (2) study and review of impediments to further downtown development; and (3) consideration of the re-development of the Hamilton landfill off of Chebacco Road.

**Planned Alternative Development Bylaw:** During the winter and spring of 2005 the proposed multi-use bylaw (known as “PAD”—Planned Alternative Development) was created and discussed at length with all town committees and boards, as well as interested town residents. The bylaw would have enabled a limited number of planned developments in the town over a limited number of years with the target of increasing the proportion of non-single family property valuation in the town from about 2% to about 10%. The EDC, faced with strong opposition from the Hamilton Planning Board, Hamilton Conservation Committee and Hamilton Open Space Committee and limited support from other boards, moved to take no action on the proposal at the May 2005 Annual Town Meeting. In accordance with the motion at the meeting, the EDC forwarded the bylaw to the Planning Board for revisions so as to address the objections. The Planning Board has not acted on this matter to this point.

**Enhanced Downtown Development:** The review of further development to the downtown area has led to the conclusion that adequate septage disposal and parking remain as impediments in the Bay Road and Railroad Avenue blocks. With the support and direction of the Selectmen a brief study was completed of solutions to septage disposal. Further work is ongoing on this matter at this time.

**Re-development of Hamilton Landfill:** Study and review of possible re-development of the Hamilton landfill is underway by the ten-member Hamilton Landfill Steering Committee appointed by the Selectmen in the summer of 2005. An interim report to the Selectmen is anticipated before the 2006 Annual Town Meeting.

Thanks go to Peter Gordeau, Bill Gisness, Charlie Chivakos and Carl Swanson for their capable work and tireless contributions to the EDC during 2005

Respectively submitted,

**Peter Twining, Chair**



## HAMILTON-WENHAM EMERGENCY CENTER

The Hamilton-Wenham Emergency Center is staffed by veteran dispatchers who care deeply for the two towns. During 2005, we logged 25,543 calls for service in our two towns. Many cities and towns have a problem with turnover in the communications center but that is not the case in Hamilton and Wenham. A combined 112 years of experience serve the towns. This is due in great part to the support we receive from the towns, allowing us to be well trained and have good equipment.

Training is important to keep up with the changes in technology such as geographic information systems (GIS), voice over internet protocol (VOIP) and new 9-1-1 changes. To keep informed, we have become active in the Massachusetts Communications Supervisors Association. This organization works closely with the State Emergency Telecommunications Board and all communication centers to promote training across the Commonwealth. I serve as president for 2005-2006.

The Northeast Regional Advisory Council (NERAC) is the regional homeland security group for our area, made up of 85 communities. They are focused on preparing all residents for any type of disaster, natural or manmade. Improvements have been made to the regional radio communications systems for both police and fire. A major undertaking was a campaign to help citizens prepare for any type of emergency situation. Security in Knowledge gives information on how to prepare a family emergency kit and what each threat level requires. Citizens will be informed by local presentations and can also go to [securityinknowledge.org](http://securityinknowledge.org). I serve as the communications representative for the 85 communities. For more information, go to [nerac.org](http://nerac.org).

In 2005, updates were made to the local radio system. The fire network was converted to a repeater system allowing for improved coverage in both towns. In addition, portable radios were purchased for all call firefighters. Chief Perkins and Chief Stevens secured grants which paid for the project. New voting receivers replaced old equipment on the police side.

Technical problems have delayed the implementation of the community warning system. Working closely with the Town of Ipswich to join their existing network, we expect to be on line by early spring of 2006. Since we started the project, several improvements have been made and we will have a state of the art system.

The most rewarding part of dispatching is the friendships made within our public safety community. This year two long time public servants and good friends retired. Chief William MacKenzie, Wenham Police and Chief Calvin Perkins, Wenham Fire left the Town of Wenham after each serving the residents for over 30 years. Having worked with them for their entire careers, I will miss them for their knowledge, experience and friendship. Good luck Bill and Cal.

Thank you to the residents for your continued support and to the town employees in Hamilton and Wenham.

**Anne Marie Cullen, Chief Dispatcher**



## **FIRE DEPARTMENT**

The Hamilton Fire Department has the following apparatus available for service:

ENGINE 1	1996 Pierce Saber 1250 gpm pumper w/Boat
ENGINE 2	1985 International S-1800/Ranger 1000 gpm pumper
ENGINE 3	2004 Pierce Saber 1500 gpm pumper
LADDER 4	1980 American LaFrance 100' Aerial Ladder
SQUAD 1	1991 Ford F-350 (4X4)/Greenwood Forestry Truck 250 gpm
MOBILE AIR UNIT 6	1994 Ford E-350 Mobile Air Supply Van
SQUAD 7	1995 Ford F-250 Pick-up (4X4)

The Fire Department responded to **565** incidents in 2005.

### **Incidents 2005**

Fire	44	Good Intent Call	39
Rescue Call & EMS	159	False Call	183
Hazardous Condition (No Fire)	77	Special Type/Complaint	4
Service Call	56	Severe weather	3

The Fire Department was able to secure two Assistance to Firefighter Grants from Homeland Security this year. The first was for \$47,501 which was used to upgrade the radio system, purchase portable radios for all firefighters, and to replace all the mobile radios in the fire apparatus. We this project was completed with Wenham Fire, who got a similar grant. The project enhanced radio communication and increased firefighter safety. We were also awarded \$49,020 for an exhaust system for vehicle exhaust. We received a State Grant for \$21,000 to upgrade turnout gear and other equipment.

Firefighter Kristine Ellis completed the Massachusetts Firefighting Academy's Recruit Program that was held in Hamilton.

The new Public Safety Building passed in May. This will give us room for all our fire apparatus and make thing safer for firefighter. A lot of work has been put in to this project. We appreciate all the work the Public Safety Building Committee and all the others involved did to get this project passed and especially the support of the voters.

Town Meeting passed the purchase of a new cab and chassis and accessories for our Squad Truck. The truck was ordered and is due in January.

Lt. Brunet and Firefighter Mullin completed a 40 hour Child Seat Installation class. Since being certified last spring, they have installed 106 car seats.

The Fire Department currently has (4) fulltime firefighters, which work during the day. The Department relies on call firefighters for sufficient help and to man the weekend shifts. This is a large savings to the town. It is getting more difficult to recruit call firefighters, because of the time commitment. We are always looking for call firefighters.

The Fire Department is always there to help the citizens of Hamilton.

**Philip W. Stevens, Jr., Fire Chief**

## **HOUSING AUTHORITY**

The past year has been a quiet one for the Housing Board. The funding from the state has remained the same figure for the past several years. Any projects the board had planned for the housing units have been delayed until additional funds are received.

The project to replace all the kitchenette units for the 40 apartments is once again in a holding pattern. The board hopes that the newly established Community Preservation fund will vote to fund the project. If they approve it, and the voters approve it at the town meeting, then we will be able to start the long awaited project, hopefully, in the month of September.

During the past year, the septic system for the units on Railroad Avenue was upgraded. The grounds in the area will be restored with the grass and the shrubs will be replanted.

Another planned project is to add electronic door locks to the outside entrances to the apartments. This project will be done when and if the state agency increases our yearly funds. Unfortunately, as of now it appears as though the funding from the state will not be forthcoming.

The daily operation of Hamilton Housing was once again handled very effectively by the Ipswich Housing Board run by Julie Martineau.

Members of the board are Leon Purington, Robert Poole, Jay Burnham, Clarence Trepanier and Leigh M Keyser, chairman

**Leigh M Keyser, Chairman**

## **HANDICAP ACCESS COMMITTEE**

The Town of Hamilton has performed the following disability assistance actions for 2005.

- A. Finished installing our handicap phone system for town hall.
- B. Reviewed and made recommendations to the proposed building plans for the First Congregational Church project. This included a meeting with members of the building committee and the architectural firm.
- C. Added a handicap parking space at the "old" library for COA parking etc.
- D. Our town clerk visits the handicapped as needed to perform needed services.

**Dave Cooper, Chairman**

## **HISTORIC DISTRICT COMMISSION**

The Hamilton Historic District Commission met on an as needed basis in 2005. The commission reviewed the following matters:

The Commission had several meetings with the First Congregational Church to review the details of their revised submittal showing final details of the proposed addition to the church building and the proposed new construction of a Fellowship Hall and classroom building. The Commission voted to issue a final certificate of appropriateness to the church.

The Commission also reviewed an application for a certificate of appropriateness from James Brao. Mr. Brao requested approval to move a shed from the adjoining property of the First Congregational Church to the rear of his property. The Commission voted to approve his application.

Respectfully submitted,

**Thomas P. Catalano, Chair**

## **OPEN SPACE COMMITTEE**

The Open Space Committee has been engaged in a variety of work, and in updating the Open Space and Recreation Plan, outlined its intention to increase the scope of that work. While targeting a variety of projects and issues that need addressing, from water conservation to mapping to affordable housing, the Committee has found the common element to be the underlying need for increased education, outreach and volunteer involvement.

The Committee continues to co-sponsor the local June events that are part of National Trails Day. At Trails Day 2005, Chairman Susanna Colloredo-Mansfeld was recognized by the Commonwealth for her work towards protecting natural areas and the public's access to them.

Through many months of the year, members take part in biodiversity walks, often with others from neighboring towns, to seek out and identify the variety of flora and fauna of the region. Identification of species is an important tool for prioritizing protection of natural areas as habitat.

As a result of OSC-organized forums held previously with internationally known tax and estate attorney Stephen Small, one conservation restriction was already approved, and another is being planned.

Committee members met with Rep. Bruce Tarr, and later with Steve Burrington, Commissioner of the Commonwealth's Department of Conservation and Recreation, to successfully advocate for allocation of state funds for repair and maintenance of trails in Bradley Palmer State Park.

Committee members have been active participants in meetings with various town boards and committees, with the goal of improving co-operation and integration of different departments, and being thereby better able to protect the town's open space interests.



## HOUSING PARTNERSHIP COMMITTEE

The HPC was in existence for its first full year in 2005 and met each Monday at 7:30 pm. We will continue this schedule in 2006.

The following lists the HPC's accomplishments and activities in 2005.

- 1) Working with Judi Barrett of the Communities Opportunities Group, we completed a housing plan for the Town. We decided, based on the experience and judgment of the committee members and the advice of our consultant that our housing plan would not be submitted to the state for certification in an attempt to block 40B developments. To do so, would commit the town to produce 20 affordable homes per year, which we did not think was a realistic goal. And if we did not produce the units, we would lose the 40B protection. We think that having a realistic plan and making a good effort to develop affordable housing is more likely to cause the Commonwealth to work with us and developers that propose 40B projects. The Affordable Housing plan is being circulated among town boards for approval.
- 2) The Committee met with developers of two 40B projects, reviewed their plans and made recommendations and in one case, met with the abutters and communicated their needs to the developer.
- 3) The Committee worked with the Selectmen to acquire approval from the Commonwealth to establish an Affordable Housing Trust Fund.
- 4) We have begun drafting a "Local Preference" by-law that will create a lottery to select applicants for affordable housing units created by the committee or by developers.
- 5) We worked with the Planning Board in support of their OSFPD and Inclusionary Zoning initiatives.
- 6) We have begun working with the Community Preservation Committee and have proposed a CPA project that could provide professional land planning services for the town.
- 7) A Committee member met with representatives of Asbury Grove to explore opportunities to co-develop affordable housing. We intend to continue these discussions in 2006.
- 8) The committee members have attended numerous conferences to "come up to speed" on various affordable housing topics and issues.

In 2006, we intend to work with Habitat for Humanity and continue to work with other developers to explore opportunities to develop affordable housing.

Members of the committee include, David Carey, chairman, Sara Del Rio, Dan Gaquin, Bill Gavin and Bob Poole

**David Carey, chairman**



## **BUILDING INSPECTOR**

I herewith submit the report of the Building Inspector for the year ending December 31, 2005.

There were a total of 293 permits issued for 2005.

Among these permits were: 2 houses demolished and re-built, and 2 new single family dwellings. The rest of the permits issued include: additions, renovations, garages/barns, sheds, non-residential renovations, in-ground and above ground pools, porches/decks, siding/windows/roofing, demolitions, signs and tents.

Charles Brett, Inspector of Buildings

### **Electrical Inspector**

I herewith submit my report as Electrical Inspector for the year ending December 31, 2005.

228 total permits issued

The total permits issued include new dwellings, additions and renovations, garages/barns plus new/upgraded services, pools, alarms, boilers, septic pumps and miscellaneous permits.

**Robert B. Brown, Jr., Electrical Inspector**

### **Plumbing Inspector**

I herewith submit my report as Plumbing Inspector for the year ending December 31, 2005.

125 total permits issued

The total permits issued include new dwellings, additions, garages/barns plus hot water tanks, backflow preventers, floor drains, water piping and other miscellaneous fixtures.

**William C. Thomas, Jr., Plumbing Inspector**

### **Gas Inspector**

I herewith submit my report as Gas Inspector for the year ending December 31, 2005.

114 total permits issued

The total permits issued include new dwellings, additions, garages/barns plus fireplace inserts, ranges, heating boilers, furnaces, water heaters, dryers, direct vent heaters, pool heaters, and other miscellaneous fixtures.

I wish to express my appreciation to all I have come in contact with for their cooperation during the performance of my duties.

**William C. Thomas, Jr., Gas Inspector**

## **PLANNING BOARD**

### **Organization**

Marc Johnson was elected by the Board to replace Rick Mitchell as Chairman. The Board thanks Mr. Mitchell for serving as Chair for several years. Susie Richey was selected as Vice-Chairman. Peter Clark was nominated as the Planning Board representative to the Community Preservation Committee, and Evelyn Shuman to the Landfill Steering Committee. Jean Nelson is the Planning Coordinator.

Robin Willcox chose not to run for re-election for another term. The Board is most thankful to Ms. Wilcox for her many years of service to the Town and the Planning Board. At the Annual May Election, Dorothy Stookey was elected to the five-year term, and David Santomenna was elected to fill an unexpired term until 2009.

### **Approval Not Required Plans**

- 95 Walnut Road, parcel with four homes which predate zoning, 4 new lots created; no new building lots created
- 296/404 Bridge Street, one new pork chop lot created
- 4 Alexander Way, 74 and 86 Meyer Road, one new lot and three reconfigured lots. The plan was not endorsed by the Board.

### **Definite Subdivision Plans**

There were no Definitive Subdivision Plans filed in 2005.

### **Site Plan Reviews**

For Site Plan Review, the Planning Board reviewed each application below, and considered input from town officials, departments, and residents. As required by the Zoning Bylaw, the Board made recommendations to the Zoning Board of Appeals.

- Hamilton Public Safety Building, 264 Bay Road
- Hamilton Convenience Store, 178 Bay Road, application to install speakers at the pumps

### **Special Permit Applications**

- 31 and 73 Woodbury Street, Common Driveway Special Permit, approved with conditions.
- 130 Essex Street, for Cellular Communications Antennae Installation at Gordon-Conwell Theological Seminary, New Cingular Wireless, LLC, Applicant, approved with conditions.

### **Zoning Bylaw Amendments**

#### **January, 2005**

- Open Space and Farmland Preservation Development Zoning Bylaw, and related action to delete Flexible Subdivision Plans (Section V.a.12), approved\*
- Amend Section VII. Definitions, to delete item numbers, approved
- Citizens Petition to Amend Site Plan Review, Section VI.H.2.c., withdrawn at Special Town Meeting
- Citizens' Petition to Amend Section III, to add Subsection 8. to provide for dividing of lots with more than one dwelling unit which predates zoning, approved
- Amend Groundwater Protection Overlay District Map, withdrawn at Special Town Meeting.

#### **May, 2005**

- Planned Alternative Development Zoning Bylaw Amendment, tabled for further study at Town Meeting\*
- Inclusionary Housing Zoning Bylaw, Section VI.G., approved\*
- Amendment to Section VIII.C., to revise language of that section, approved

#### **October, 2005**

- Associate Member of the Planning Board to Act on Special Permits, Section VIII.D, approved.

\* Master Plan Implementation item

## **Subdivision Regulations**

Revisions were made to Section IV.B.8., to expand requirements for As-Built Plans, and to add Section IV.B.10, to create a Digital Data Requirement for subdivision plans. The amendments have been recorded at the Registry of Deeds in Book 24999, Page 537.

## **Other Activities**

The Planning Board continued to work on the implementation of the Master Plan, which was adopted in February, 2004. Discussions took place to determine how to proceed with revisions to the Planned Alternative Development Zoning Bylaw, which was a mixed-use bylaw, and how to gain support for it.

The Master Plan also recommended the adoption of an Accessory Apartment Zoning Bylaw, in order to diversify the housing stock of the town, to provide more affordable rental units, and to provide another type of housing option. The Board reviewed Accessory Apartment Zoning Bylaws from other towns, met with members of the Board of Selectmen, Housing Partnership Committee, and Zoning Board of Appeals to discuss the concept, and drafted a series of articles to inform the public. The Board continues to work on that bylaw for the May, 2006 Annual Town Meeting.

Following adoption of the Open Space and Farmland Preservation Development (OSFPD) Zoning Bylaw, the Board drafted OSFPD Rules and Regulations which specified submittal requirements and Development Standards, and adopted them after a public hearing and public discussion.

In August, Planning Coordinator Jean Nelson submitted a Smart Growth Technical Assistance Grant Application to the Commonwealth of Massachusetts. The town has been awarded a grant of \$24,097 to draft a Storm water Management Zoning Bylaw Amendment, Low Impact Development Techniques for Subdivision Regulations, and funding for Geographic Information Systems (GIS) mapping of storm water systems.

A Land Clearing and Grading Bylaw have been drafted by the Master Plan Consultant, Judi Barrett of Community Opportunities Group, Inc. Following receipt of the SGTA Grant, the Board decided to hold the Land Clearing and Grading Bylaw until the Storm water Management Zoning Bylaw amendment is completed.

The Board continues to work toward the implementation of a Geographic Information Systems (GIS) program for the Town. GIS is a digitized mapping capability, which would benefit departments, boards, and other interested groups.

The Board arranged for an All-Board meeting to review the preliminary Carriage House Junction 40B submittal in February. Further review and input was given to the Board of Selectmen when dealing with Mass. Housing Partnership and to the Zoning Board of Appeals as part of a site plan review of the submitted project in December.

In October, the Board sponsored a Planning Retreat. The retreat was well attended and many important planning issues were discussed. The topics of economic development, affordable housing, reuse of the former landfill and the old library, and the Planned Alternative Development bylaw were discussed.

The Planning Board meets on the second and fourth Tuesday of each month, with the exception of an abbreviated schedule in the summer. All meetings are open, and the public is welcome to attend.

**Marc Johnson, Chairman**



## **POLICE DEPARTMENT**

The daily operating philosophy of the Hamilton Police Department continues to be one of service to the community. Each member of this department has been instrumental in providing the citizens of Hamilton a level of service that is beyond reproach. I am proud to be associated with this group of public safety professionals and commend them on yet another successful year for the department.

The level of service provided to the community is reflected in the day-to-day activities of our members. Calls for service, which range from the most routine to the most unique major investigation, have once again increased over the previous year. This department handled well over 13,000 incidents during 2005, an increase of over 11 % from the previous year. An increase in calls for service naturally requires additional resources to investigate reported criminal activity. This in turn has resulted in significant increases in arrests and the successful prosecutions for criminal activity. Overall criminal offenses increased 20% from the previous year which includes a 46% increase in felonious crimes. Although these increases may appear alarming at face value, it is comforting to know that the rate of arrest and prosecution for these crimes increased in excess of 50% from the previous year. Excellent investigative skills coupled with good old fashioned police work by each and every member of the department contributed to this level of success.

We continue to strive for the necessary training and certifications to keep pace with the national emphasis on Homeland Security and Domestic Preparedness. Although the public's perception for the level of this need may have curtailed in recent months, it remains a priority of this department. Training courses and equipment acquisitions through the Department of Homeland Security provide yet another means to assist this department in providing a quality of life level to which the citizens of Hamilton have come to expect.

Our physical facility has of course been the focus of much attention. We all recognize the significance of the financial support that the public safety departments have received from the citizens' of Hamilton. As we get closer to realizing the dream of occupying a new public safety facility we can only reiterate our promise of the past; that this department will continue to offer the people of Hamilton the highest level of professionalism possible.

Respectfully Submitted,

**Walter D. Cullen, Chief of Police**



## **PUBLIC SAFETY BUILDING COMMITTEE**

The Public Safety building Committee (PSBC) completed its third year of studying options for a new public safety facility to replace the existing building which was constructed in 1957, almost 50 years ago. After careful deliberations with the architect, four possible options for renovations and/or a new building were studied and presented to the Board of Selectmen. The options were: A) Renovate/add to the existing police/fire station; B) Build a free standing new facility and demolish the existing building; C) Renovate/add to the existing building for police headquarters, and build a prefab metal building for the fire headquarters; D) Renovate/add to the old library for the police and the emergency center, renovate/add to the existing building for fire headquarters. Upon weighing the pros and cons of each of the options, it was unanimously decided that constructing a new public safety facility to house the police, the fire, and the emergency center made the most sense from the standpoint of design and final costs.

A plan for a new public safety building to house all three departments was offered to the Town in the form of: presentations to the Board of Selectmen; open meetings; public forums; and a presentation at Town Meeting. In May, the citizens approved \$5.939 million dollars for the construction of a new facility, with the amount to be spread out over a twenty year bond.

In June, Reinhardt Associates, of Agawam, Massachusetts, was hired as the architect to design the new facility. John Hale, of The Hale Design Studio, of Hamilton, Massachusetts, was hired as the project manager. During the summer and fall of 2005, the design process took place, with the final plans being ready to go out to bid in early December. In December, numerous sub contractors submitted their bids, and the sub contractor bids were opened on December 28. In January of 2006, only three general contractors submitted bids for this project, and the general contractor bids were opened on January 12, 2006. Unfortunately, the low bid exceeded the part of the appropriation designated for construction. The PSBC is in the process of making cuts to the proposed design, and the project will be rebid. The PSBC will determine if additional funds will be needed. If so, the PSBC will request additional funds at the Annual Town Meeting and election in May, 2006.

The PSBC is thankful to the community for their support of this project. The Committee believes that the citizens understand the need for a new facility, a facility that will serve the public safety personnel and the citizens of Hamilton well into the future.

The PSBC is looking forward to the construction phase of the project in 2006. However, the Committee understands the challenges ahead of it as it moves forward in the construction process. The PSBC will keep the citizens informed throughout this entire process.

All Public Safety Building Committee meetings are open to the public and your input and questions are welcome. Please feel free to contact a committee member through Town Hall (978-468-5572). The Public Safety Building Committee is comprised of Hamilton residents: Bob DeFelice; Dick Flynn; Phil McCarthy; Anne Marie Cullen, Emergency Center Director; Walter Cullen, Police Chief; Phil Stevens, Fire Chief; and Kalil Boghdan (Chairman).

**Kalil Boghdan, Chairman**

## HAMILTON-WENHAM PUBLIC LIBRARY

The Hamilton-Wenham Public Library had a very exciting year in 2005. The Library Trustees who served during 2005 were Blanche Day, Wendy Daynes, Doris Gallant, Annette Janes, Madelyn Liberti, Joanne Ridinger, and Elizabeth Stanton. They are to be commended for their leadership and dedication to the library. I began my tenure on March 14, 2005 and thank the town officials, town employees, trustees, and patrons who warmly welcomed and assisted me. Shirley Raynard did a wonderful job as Interim Director from November 2005 until February 2006 and the staff has been extraordinary. The two towns are extremely fortunate to have such a dedicated, hardworking, and creative staff who go the extra mile every day to fulfill the library's mission.

During 2005, we reached a record annual circulation of 197,396 items. We continue to promote reading and the joy of learning in all that we do. Our newest book group, Literary Luncheon, has been a great success along with the Monday Night, Mystery, and Mother-Daughter book groups. 624 adults enjoyed our Adult Summer Reading Program. Our Armchair Travel Program gave those who stayed in the area for the summer a chance to "virtually" visit Alaska and the Panama Canal.

Our Summer Reading Program "Going Places @ Your Library" attracted 1,078 children and included popular programs such as Vehicle Night, Alexander the Jester and a Magic Show with Scott Jamison. Our Young Adults enjoyed portrait workshops taught by students from Montserrat, drama workshops with Jape Payette and a photography contest. Other programs offered throughout the year included babysitting courses taught by the American Red Cross, school visits, special story times presented by many groups and individuals including Cape Ann Early Intervention, Baby Bookworms (a new story time program for our youngest citizens), and a Teen-Advisory Group.

Our meeting room was very busy in 2005. 759 activities were held at the library including municipal and group meetings and Open Road Theatre rehearsals. 358 of these activities were library programs attended by 18,383 people. We also worked in collaboration with the Community House to present an afternoon film event and hosted six art shows that were displayed throughout the library.

The Friends of the Hamilton-Wenham Public Library are again to be commended for their generous support throughout the year. They held two very profitable book sales and a successful membership drive. Due to their energy and enthusiasm, the library has the following museum passes to offer the public: Boston by Foot, Children's Museum in Boston, Cape Ann Historical Museum in Gloucester, DeCordova Museum in Lincoln, JFK Library and Museum, Museum of Fine Arts, Museum of Science, New England Aquarium, Peabody Essex Museum, Roger Williams Park and Zoo, and the Wenham Museum. The Friends also provided for our many programming needs so that we were able to offer varied programs for all ages throughout the year including a monthly Koffee Klatch for seniors; a Mardi Gras Extravaganza; concerts by Tara's Thistle and the First Congregational Church of Hamilton Bell Ringers; book talks by authors Doug Buchs and Michael Tougias; workshops on Feng Shui, Home-based Business Tips and Grant-Writing; and our first cooking class featuring Chef, Jacqui Bushee. The Friends are a wonderful, helpful, and hardworking group of volunteers. Without their support, our wide array of programming would not be possible.

We thanked our team of library volunteers with a special volunteer reception on May 14 featuring entertainment by the Quintessentials. We truly depend on the support and efforts of our volunteers. They do so many vital and extra tasks for the library. This event also gave us the opportunity to thank Blanche Day for her thirty years of service as a library trustee.



Another unprecedented event was hosting the Red Sox Championship Trophy at our library on April 13. It was a lovely warm spring day and over 1,000 patrons waited patiently in the sunshine to have their pictures taken with the trophy. This was a fun time for all.

This was an important year for the library as it is the first time that the Hamilton-Wenham Public Library has an approved Long-Range Plan on file at the Massachusetts Board of Library Commissioners. The trustees, planning committee, and staff worked hard to develop a plan for the library that would guide us through the next five years. The North East Massachusetts Regional Library System (NMRLS) assisted us with four separate planning sessions and helped us compile the results of almost 400 surveys. The state approved our plan in November, making the library eligible to apply for Library Services and Technology Act (LSTA) Grants. The whole exercise was very valuable and has already propelled us into action; positive improvements are continually being made at the library.

This year, we were able to offer two databases for our patrons. Ancestry.com Library Edition has been very popular with our genealogists and the ABC-Clio Geography Database was purchased especially to assist students in Middle and High School. Both databases are available on our website [www.hwlibrary.org](http://www.hwlibrary.org). Ancestry.com has components that can be accessed from home using one's library card barcode and the Geography database can be accessed remotely with the user name and password of hwlpatron.

We also upgraded our consortium software in June and made Wireless Internet possible on December 30 through a Comcast Courtesy Connection and donated router installation by GorilLAN, Inc. Many patrons are now able to access the Internet throughout the library with their laptop computers. Our reference department also offered Internet classes and hosted tax help seminars for seniors.

We received two grants: a \$600 grant from NMRLS which was used for purchasing music CDs and a \$5,000 grant from the Verizon Foundation which will be used in 2006 to promote literacy for children and English Language Learners.

Our website at [www.hwlibrary.org](http://www.hwlibrary.org) is continually being updated with current information, programs and events. We produce a quarterly newsletter, monthly column in the Hamilton-Wenham Chronicle, and offer an events email list to keep our patrons informed of happenings at the library.

We added parking signs, repainted the parking lines, revitalized the grounds, and look forward to enjoying the spring tulips and hyacinths planted by the girl scouts in October.

I have had a wonderful year serving as library director and consider it a privilege and a joy to work for the citizens of Hamilton and Wenham. The trustees, staff and I look forward to expanding and improving our services in 2006.

Respectfully Submitted,

**Jan Dempsey, Director**

## **HAMILTON – WENHAM RECREATION DEPARTMENT**

Our commitment to continue to fund facility improvements, even in hard economic times has become more trying. We were able to place a new structure at School Street in Hamilton and new slides at Pingree Park and also renovate the tennis courts at Pingree Park so that they will last another 10 years. We are attempting to work with Library to install a pre-school structure at the joint facility.

Many thanks to the Youth Sports Organizations for their continued support in working to help maintain our athletic fields, particularly in the development of maintenance plan for the Donovan property.

On the program side of our mission, new programs include a summer sports camp with the U.S. Sports Institute, pre-school gymnastics and crafts class and after school hoops and winter sports jam clinics with Wildcat Sports Inc.

Our wish list still includes a teen center at the old library and the development of the High School sports fields, for which CPA funding has been requested.

**Maggie Whitesell, Director**

### **Hamilton-Wenham Recreation Board**

**Lindle Willnow, 2006**

Denis Curran, Jr.

Bob Kerrigan, 2007

Renee LaForce-MacDonald

Jane Lyman, 2007

Jay Butler, 2008

## **RECREATION MISSION STATEMENT**

The Hamilton-Wenham Recreation Department provides a wide variety of programs designed to improve the quality of life for residents by meeting physical and recreational needs. We promote life-long lessons through play, education and community wide events.



## HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT

I am pleased to present 2005-2006 Annual Report for the Hamilton-Wenham Regional School District. As you read the school reports, you will note that the strength of our school district is in the quality of our students, our faculty, our support staff, our school leadership, and our two communities.

During the 2005-2006 school year, the Hamilton-Wenham Regional School District (HWRSD) had an enrollment totaling 2185 students with 948 in the elementary grades Pre-Kindergarten through grade five, 524 in the middle school grades six through eight, and 713 in the high school grades nine through twelve. The school district goal is to provide an engaging and comprehensive curriculum that challenges all students and raises their achievement level. Our students must meet not only our own local learning standards, but also the learning standards of the Commonwealth of Massachusetts and those of colleges across the country.

To realize the HWRSD goal, teams of teachers and principals work diligently to strengthen the academic program for higher student achievement by embedding all state framework requirements within a strong District curriculum. Through state and federal grants and the generosity of the Hamilton and Wenham Education Fund, teachers availed themselves of quality staff development programs to ensure successful implementation of programs. Through the dedication, commitment, and caring of our teachers and support staff, Hamilton and Wenham students were recognized for their achievements in the academics, arts, athletics, and activities during the 2005-2006 school year. Our elementary students participated in artists in residence program; our middle school College Bowl students scored first place in a statewide competition and our sixth grade won first place in Essex County for their participation in the New England Mathematics League math team. Middle School students also were recognized for their achievements in band competitions and the Boston Globe Art Awards. Our high school students received awards at the local and state level in history and science, the New England Drama Festival, Boston Globe Key Art Awards, District Band and Chorus, Massachusetts All-State Band and Cape Ann League athletic titles including first in football and swimming while the girls' soccer team advanced and competed in the state Division III championship final.

The May 2005 MCAS scores reveal that Hamilton-Wenham student scores are above the state average in all four subject areas tested (see Director of Curriculum's report for detail). Every member of the Class of 2006 has passed both the English and math sections of the MCAS which will enable all of them to graduate in June. In the area of college admission test scores, 91 % of HW Regional High School students took the SAT I with an average score of 1149 (Verbal – 575 and Math - 574). Eighty-seven students took 110 Advanced Placement examinations in Calculus, English Literature, European History and U.S. History, and achieved an average score of 3.9 out of 5.0. The Class of 2006 has one semi-finalist (Laura Krachman) and eleven commended students recognized by the National Merit Scholarship Program.

During the 2005-2006 school year the District completed development of a Strategic Plan for the years 2005-2010. Approximately 300 teachers, students, parents, and community members contributed to the process and the development of themes, goals and strategies. The creation and implementation of this strategic plan provides both direction and priorities for district-wide and school-based initiatives over the next five years.

The H-W Regional School District continued its collaboration with the Towns of Hamilton and Wenham through the Towns/School Budget Process Committee (T/S BPC). I believe that the successful passage of the FY 06 school budget for \$22,106,483 and the Proposition 2 ½ Override for \$690,210 was due to the commitment made by the towns and the school district to develop our budgets with much more collaboration that produced a consensus-driven result.

The full funding of the FY 06 budget request and override enabled the District to take a second step forward in balancing our curriculum between the subject-centered and student-centered needs of our students at all three levels. For the second successive year, the HWRSD restored critically important school programs that were eliminated in 2003. Specifically, the FY 06 budget included reading support for at-risk elementary students, instructional materials for the revised grade seven geography curriculum, a much needed alternative programs for high school students, restoration of 21 course sections of math, English, social studies, science, foreign language, fine arts, health science, and applied technology at the high school, and \$100,000 for the upgrade of technology equipment and infrastructure which had not been funded since 2001. The FY 06 budget also restored funding for athletic and extracurricular fees to 50% from 20%. These additions to our school programs checked further erosion of the educational programs for which our District is recognized and valued. The FY 06 budget has provided better learning opportunities for our students; time for our teachers to collaborate about students and curriculum, and opportunities to forge stronger relationships with families.

While this budget balanced the education needs of students with economic realities, the FY 06 budget, once again, did not have the full support of our constituents –we had many constituents who believed the budget should have been higher so we could restore a greater number of our academic programs. We also had just as many constituents who believed the budget should have been lower so as to ease the tax burden. We believed this budget was a fair, middle-of-the-road budget that had compromises on all sides.

At the June 9, 2005 School Committee meeting, the District bid farewell to thirteen teachers and support staff at the third annual “We Honor You” reception. Honored retirees included Dolores Boghdan (22 years), Robert Lassonde (34 years), Karen Woolf (32 years), Arthur Burt (34 years), Richard Butterworth (35 years), Earl Berg (34 years), Marlene Cann (26 years), Carol Chambers (34 years), Malvina Liebert (27 years), Nancy Lynch (35 years), Ronald Toleos (9 years), John Robinson (18 years), and Tom Teusch (19 years).

No report of this kind would be complete without taking the opportunity to thank the many people who supported our schools this past year. On behalf of the students, faculty, administration, and School Committee, I thank the Friends of Pre-School, Buker, Cutler, Winthrop, Miles River, and High Schools, Special Education Parent Advisory Board, HW Education Fund, HW Rotary Club, HWRHS Sports and Activities Alliance, Pro Musica II, Gordon-Conwell Seminary, and the many generous parents and community members who contributed time and money to support our schools.

I am also grateful to our faculty, staff, principals, assistant principals, and the District Leadership Team for their devotion to the children and youth of Hamilton and Wenham. Finally, we are most appreciative to the townspeople of Hamilton and Wenham and the Hamilton and Wenham Boards of Selectmen and Finance Committees who have seen us through difficult times and who continue to support our efforts to make the Hamilton-Wenham Schools the very best they can be. The FY 06 Budget Process personified the values of cooperation and collaboration that embody our communities. As your Superintendent, I thank each and every community member for their support of our students.

In closing, our initiatives continue to advance the coherence and quality of our educational program. There are many goals yet to realize which are dependent upon high levels of budget funding. Our professional staff must have the resources if we are to continue to be competitive with similar school districts in developing, providing, and maintaining a high quality educational program for our students in the Hamilton-Wenham Regional Schools.

**Dr. Marinel D. McGrath, Superintendent of Schools**



## CURRICULUM AND INSTRUCTION

The Director of Curriculum and Instruction for the Hamilton- Wenham Regional School District continues to work with the Leadership Team and the staff to focus the district's curriculum and professional development work around the district's goals.

The Hamilton-Wenham Regional School District (HWRSD) continues to renew and revise curriculum according to the guidelines established and approved in 2004. Currently, curriculum and instruction task forces are established in Foreign Language, History/ Social Studies, Physical Education/ Health Education, Mathematics, Science, Technology and Engineering, English Language Arts, Technology and Fine Arts. The task force committees are currently working toward the development of K-12 curriculum guides. The Curriculum and Professional Development Committee continues to over see the task force committees, plan the curriculum articulation days, and related professional development.

In October 2005, a five-year technology plan for HWRSD, developed with input from teachers, administrators and community members, was presented to and accepted by the School Committee. The technology plan presents a framework for defining a direction for educators, determining needs in our schools, and outlining goals for our students in the area of technology.

Fortunately, state and federal grants have allowed us to continue offering quality professional development opportunities and support to our teachers. The HWRSD has been able to offer its staff numerous grant funded professional development opportunities which include, Sustaining our Learning, Intel Teach to the Future, John Collins Writing, Six Traits Writing, the Responsive Classroom, Mentoring, and Group Counseling. The Beginning Teacher Orientation, Induction and Mentoring Program and the curriculum coach positions have also been funded through grants. In addition, staff members are involved in 43 special project professional development opportunities during the early release Wednesday time period

During the 2005-2006 school year the HWRSD was awarded 7 state grants (5 entitlement and 2 competitive), 2 federal competitive grants and 1 private competitive grant totaling in the aggregate of \$380,859. These grants target MCAS remediation, staff professional development, curriculum support, curriculum development, physical and health education, mental health services, early childhood and drug, alcohol and violence prevention programs. Staff was also involved in professional development opportunities in science, mathematics, engineering and technology through grant supported programs in collaboration with Salem State College and the University of Massachusetts, Lowell.

MCAS scores reveal that Hamilton-Wenham student scores are above the state average in all five subject areas tested: reading, English /language arts, mathematics, and science and technology/engineering. Our school district is doing particularly well in the areas of reading (98% passing at grade 3); English (average of 97% passing at grades 4, 7 and 10), mathematics (average 93% passing at grades 4, 6, 8, and 10) and science (95% passing at grades 5 and 8). The Class of 2005 had a 100% passing rate.

The HWRSD recognizes that student achievement, curriculum and professional development are interrelated and will continue to pursue and secure opportunities to support these connections.

**Dr. Maryellen Duffy, Director**

## DEPARTMENT OF STUDENT SERVICES

The Student Services Department of the Hamilton-Wenham Regional School District provides a wide range of programs for students with disabilities, ages 3 to 22. Currently, 346 students in the District (15.4% of the general population) are identified as needing Special Education services. Special Education is a required program for all school districts under both federal law (Individuals with Disabilities Act – IDEA) and state law (Chapter 766). Eligibility for Special Education services is determined by a team of teachers, parents and other professionals. It is based upon the presence of a diagnosed disability, the inability to make effective progress in the general curriculum due to the disability, and the need for specially designed instruction or related services. Evaluation Teams, comprised of trained professionals, are present in each school in the District. They use the latest diagnostic instruments available to assess students so that Teams can develop programs that address the individual needs of the students.

The Integrated Preschool serves students from ages 3 to 5. Teachers, teaching assistants, monitors, and therapists work together to provide students services in an integrated model. In this setting, preschoolers learn and play together with their non-disabled peers. As students with disabilities become school age, this inclusive and integrated model continues with most Special Education students receiving services within the general education classroom. Professional special educators, trained paraprofessionals and therapists support our classroom teachers in meeting the needs of students with learning disabilities, health and sensory disabilities, communication disorders, neurological impairments, cognitive deficits and emotional and behavioral difficulties. The REACH and ASPIRE programs serve our most disabled students and include academics and life skill instruction both in the school and in the community.

The Special Education Department is evaluated annually on a three-year rotation between elementary, middle school and high school programs. These evaluations are required by law of all public schools as a means of ensuring quality programs for students with disabilities. In addition, the Department of Education conducts a full Coordinated Program Review every six years, with a mid-cycle review during one of the years in between. The mid-cycle review for Hamilton-Wenham took place during December 2003. Our next Coordinated Program Review will be conducted during the 06-07 school year.

The Department is proud of its record of service within the District and realizes that the high quality teaching practices of classroom teachers and the strong District curriculum have set the climate of educational excellence that allows students with disabilities to succeed. The support of the School Committee, the Superintendent, School Administrators, teachers, families, and townspeople has been essential in meeting the needs of all learners in the District.

**David Magee, Director**



## **BESSIE BUKER ELEMENTARY SCHOOL**

The Buker School opened with an enrollment of 259 students in grades prek-5 for the 2005-2006 school year. We had an exciting and productive year. Our principal, Brian O'Donoghue, completed his second year at the helm of Buker School.

We welcomed Heidi Wakeman as our new library/media and technology teacher. This year marked the return of our instructional library program with a newly developed technology curriculum for the elementary grades. The Buker School looks forward to continued integration of technology into the elementary curriculum. Kali Reynolds joined our staff as a student services teacher after previously working as a teaching assistant.

At the end of the year, we said goodbye to two long-time staff members as they retired after many years of service to the children and families of Hamilton and Wenham. Dr. Karen Woolf taught students in kindergarten through fourth grade for the last 32 years. She completed her career in the Hamilton-Wenham Schools by teaching third grade at the Buker School for six years. Bob Lassonde taught music at all levels during his 34 year career in the district. He completed his career by directing our grade five students during our traditional end of the year musical. Both of these fine educators made a difference in the lives of hundreds of children and will be truly missed.

The teachers make learning challenging and exciting for the children of Buker. We continued to work on problem solving and critical thinking skills with the Math Trailblazers program. Guided reading strategies were implemented to meet the appropriate reading levels of all of our students. In addition to these school-wide initiatives, teachers and students were busy learning and discovering at each grade level. The kindergarteners spent time learning about the life cycles of birds and frogs. Our first graders were transformed into pharaohs during their Egypt study. In second grade, our students learned to eat healthy and shared lunch in the cafeteria with their parents as a culmination of their nutrition unit. Colonial Day featured our third graders involved in a variety of activities dealing with colonial life. The fourth grade students worked on their research and geography skills through their State Fair projects. Our fifth grade students demonstrated their energy and teamwork with their successful production of the musical School Daze.

The Buker School continues to receive strong support from our parent community. The Friends of Buker worked tirelessly to provide us with a variety of resources that enhanced the learning experience for our students. Friends' funds were used to purchase curtains for our stage and shades for our gymnasium among a variety of other things. The cultural enrichment program supported our writing initiative and an innovative movement and dance program.

The Buker School continues to be a great place for children to grow and learn. We look forward to their continued growth as citizens of the world.

**Brian F. O'Donoghue, Principal**

## **CUTLER ELEMENTARY SCHOOL**

Cutler School students, staff, and families worked cooperatively to create a supportive, challenging, and productive learning environment in 2005. Our enrollment of 343 students remained stable, which is slightly below the school capacity of 350 students.

The school council, acting in an advisory capacity to the principal, met monthly to discuss issues relating to school governance and the cultivation of a positive learning environment. These school council members include: Evelyn Shuman, community member; Amy Richardson and Michelle Zampell, teachers; Mary DeLorenzo, Jack O'Keefe, Beth Loeper, parents; Ann Roberts, Friends of Cutler representative; and Sue Cooke, principal.

Curriculum initiatives included the implementation of a new nationally recognized program, Foundations, which focuses on early literacy, including phonics and spelling instruction. This program was implemented in the fall in grades K and 1. Elementary teachers continued to focus on teaching effective writing skills with an emphasis on the Six Traits of Writing and the Collins Writing Program.

The Cutler staff has been trained in the Responsive Classroom approach, which fosters a safe, challenging, and respectful environment throughout our school. The practical strategies are integrated "without walls" throughout the school day.

The Friends of Cutler, led by Grace Chmura, provided extensive financial, volunteer, and moral support to our school. This year the Friends arranged to install new playground equipment to improve play choices and safety. The students are giving the new play stations rave reviews! The Friends of Cutler also matched a generous donation from the Hamilton-Wenham Education Fund and donated an additional Smart Board to our school. Josh Evans (Grade 5) and Pam Larchez (Grade 3) have led their colleagues in exploring the many ways that Smart Boards enrich and extend classroom instruction. We plan to add two additional Smart Boards in 2006. The Friends continued its funding of the wonderful "Meet the Masters" art history program as well as many other cultural enrichment opportunities throughout the year.

In December, after 18 years as the principal of Cutler School, I announced my retirement, effective July 31, 2006. It has been a privilege to be an educator in such a vibrant and nurturing school district. It is what drew me to our district in 1983, and it is what has kept me here. The school committee, central administration, faculty, staff, and community at large have maintained a clear focus on that which truly matters: our students. Thank you for your continued interest and investment in our children.

**Susan L. Cooke, Principal**

## **MILES RIVER MIDDLE SCHOOL**

The 2005-2006 school year for Miles River Middle School was a period characterized with curriculum enhancements and stability. Due to an increase in student enrollment additional part-time teachers were hired to maintain class size in art, music, physical education and technology education.

The MRMS implemented three major curriculum improvements in September 2005. First, the Massachusetts Department of Education revised the history and social studies curriculum for middle schools. Our social studies teachers revised the curriculum to align with the new curriculum framework resulting in a new grade seven geography program with new instructional materials which include textbooks on CD's. Teachers are currently developing a new Civics course for implementation in September 2006. Secondly, our Spanish foreign language program was enhanced with the purchase of CD textbooks and supplemental materials. The new materials provide students with listening experiences which feature native speakers. Finally, a portion of our technology program was improved. One of our obsolete computer labs was upgraded so students could access the Internet. The Friends of Miles River provided funds for computer and printer purchases while the Hamilton-Wenham Education donated funds for computer and video equipment for student use.

Communication with families was enhanced electronically. Our newsletter, Miles River Currents, was posted on our web page and a new tool, Connect-Ed, was purchased with the assistance of the Friends and the school budget. The Connect-Ed communication tool allows the administration to contact the entire school community through Internet -based phone calls that are secured to ensure personal delivery of messages to families about important meetings, events, cancellations or emergencies.

Through a nutrition grant, the Miles River Middle School implemented a comprehensive wellness program. Walking clubs, nutritionally balanced lunch menus and an expanded nutrition curriculum were implemented. As a result, the Miles River Middle School received a statewide recognition for these healthy actions.

Additionally, our College Bowl scored first placed in a statewide competition and our sixth grade won first place in Essex County for their participation in the New England Mathematics League.

The Miles River Middle School community thanks the citizens of Hamilton and Wenham, the Friends of Miles River and its many volunteers for their support and commitment to provide our children with an excellent education. We invite you to visit our middle school throughout the school year.

**Janice C. DeSantis, Principal**



## **NORTH SHORE REGIONAL VOCATIONAL SCHOOL DISTRICT SCHOOL COMMITTEE**

### **Merger Study**

In **December 2004**, Senator Berry filed further legislation which called for the merger of the North Shore Technical High School and Essex Agricultural & Technical High School, defining both a **Temporary Oversight Board** and the governance structure of the new school district. It further defined the procedure for existing members to vote for the merger, and included a requirement for the School Building Authority to report on the conditions necessary to facilitate the opening of the school. The Temporary Oversight Board members were **named in 2005** and to date, have met six times. We are presenting awaiting another \$250,000 to complete the feasibility study.

### **Administration**

The North Shore Regional Vocational School District Committee, comprised of one member appointed to represent each member community, is the governing body of the School District. The Superintendent-Director and the administrative team carry out the policies of the District School Committee and oversee the daily operation of the school.

### **Enrollment**

Student enrollment as of October 1, 2005 was 458. Students cite the interpersonal relationships with teachers, counselors, and administration, and the vocational programs as the reasons for application. There continues to be a shortage of space for classrooms, shop areas, the library and the cafeteria. In addition, an auditorium is needed. Students participate in programs in Automotive Technology, Carpentry, Commercial Art, Collision Repair, Cosmetology, Culinary Arts, Electrical, Information Systems Technology, Graphic Arts, Health Technology, Machine Technology, Marketing and Information Systems and Masonry.

### **Curriculum**

MCAS mathematics test scores continue to improve. Students who took the test for the first time in May 2005, improved the passing rates yet again: 75% (2003), 82% (2004), and 86% (2005). Students scoring in the higher scores bands continued to increase: 35% Proficient (an increase of 27% from 2004) and a markedly impressive 16% Advanced (up from 12%).

### **School Council**

The School Council is an organization of faculty, parents, students and business community representatives who meet with the principal every six weeks during the school year to review programs and activities at North Shore Tech. The Council examines the school budget, student handbook and extra curricular activities. They advise the principal and suggest changes in programs and curriculum. During the meetings the Council hears from school staff members who present information about specific areas of instruction or school activities. The School Council's members are very active throughout the school year and have strongly supported our "Up All Night" graduation celebration for the past five years.



### **General and Program Advisory Committees**

Twice a year each vocational/technical program has a meeting to discuss suggestions for revisions and updates of equipment and curriculum. The advisory committees include representatives of local business and industry related to each vocational craft. At the meetings instructors of our vocational/technical programs seek suggestions as to how to improve their programs to better prepare our students to enter the workforce in their career area. These meetings are beneficial in keeping our school aware of the latest innovations, equipment and technology used in industry. The Fall 2005 meeting was very important in that the committee members validated the Massachusetts Curriculum Frameworks for each vocational program.

The General Advisory Committee consists of one member from each of the Program Advisory Committees and the school principal. This committee makes recommendations to improve industrial standards in each vocational program to the North Shore Tech School Committee. The General Advisory Committee will meet in December 2005 and will discuss the Vocational Curriculum Frameworks and how to deliver each strand to our students.

### **Vocational -- Service Cluster**

The Career and Technical programs are currently re-evaluating their curriculums to ensure that they reflect the Massachusetts Vocational frameworks, which are currently being validated throughout the state. At our recent Program Advisory Meeting committee, members were asked to evaluate the frameworks and their comments are being sent to the Department of Education. Our goal is to ensure that our Career & Technical programs are meeting the needs of our students, parents and the business community.

### **Culinary Arts**

We continue to welcome our senior citizens from throughout the district and encourage them to take advantage of the services offered. We suggest that they make an appointment in our cosmetology department and then stay for lunch our focus is "Spend the Day at the Tech" (a day of food and beauty). The Culinary Department is also involved in additional community service activities and will be helping with the food at "The Jolly Jaunt" a Special Olympics event.

### **Vocational – Technical Cluster -- Carpentry/Masonry**

Junior and senior carpentry and masonry students have collaborated on several on and off campus projects this year.

The first project completed was a masonry structure to house an antique bell at Veterans' Park in Beverly. The park is located between Park and Rantoul streets across from the post office. The bell is used honor veterans during ceremonies on holidays.

### **Electrical**

The Electrical Program is the newest addition to the Technical Cluster. The program is being phased in with a regular schedule of exploratory students during B-week and a small group of sophomores during A-week. A program advisory board has been established and met at the fall meeting on October 20, 2005. The Chapter 74 approval process should be completed at the beginning of the 2006-2007 school year.

## **Technology**

A project based curriculum was developed and implemented for all freshmen within their science classes in order to effectively integrate technology curricula that align with the Instructional Technology Standards within the Massachusetts State Frameworks, the National technology standards, and the Massachusetts Career and Technical Education Cluster Strands for Underlying Principles of Technology. An online assessment tool was developed for use as a pre and post test to ensure that all freshmen students are introduced and gaining access to the technology standards.

## **Special Education Department**

There are approximately 191 students at North Shore Technical High School who have been identified as having special needs; they represent 42% of the general student population. Programs and services are provided and administered by a staff comprised of a director, a coordinator, thirteen (13) special education teachers, a speech/language pathologist; a Wilson certified reading teacher, a psychometrist, five instructional aides, and one secretary.

## **Athletic Department**

The Boy's Basketball team (10-11) reached the State Tournament again for the second year in a row. Jesus McKinney was named league MVP and went over the 1,000 point mark in his career.

The Girl's Basketball team (11-10) qualified for the state tournament for the first time ever. A great showing was put on by a still young squad. With all but one player returning from the varsity squad, the 05/06 season looks good.

Indoor Track had a turnout of twenty-nine athletes.

The spring of 2004 saw the Softball team winning another league championship and advancing into the State Tournament. The Baseball team was in a rebuilding year and once again had no home field to play or practice on.

The Girls Volleyball won another league championship and advanced to the semi-finals of the North Sectionals in the MIAA State Tournament. Pina Phay was voted the league MVP for the second year in a row.

The Soccer team maintained good numbers this year with a complete junior varsity schedule. Many practices and some junior varsity games were played on the Essex Aggie field.

The Co-op program with Essex Aggie continues to be very successful. The bond developing between the athletes from both schools is wonderful to witness.

## **Adult Education**

Adult Evening Education at North Shore is a self-supporting program that offers more than sixty (60) vocational-technical classes that enhance the professional and personal lives of the adult members of our community. The Program serves nearly one thousand adult students participating in a wide variety of courses. Popular fields of study include: computers, health, construction, welding and machine technology, culinary, automotive, business and personal finance. A number of courses have state approval for professional and trade license preparation.

The Adult Education Program continues to enjoy a reputation of providing quality vocational-technical education to a demanding client that faces an ever-changing work place. We have an ongoing effort to provide competitive and progressive programming; our course offerings are continuously reviewed for either updating, or modification, and we research the local market for new offerings.

#### **Business Office**

The Department of Revenue has certified the amount in our unencumbered excess and deficiency funds/surplus revenue available at July 1, 2005 at \$349,615.

#### **Funding Issues**

The Fiscal 2007 Budget preparation is currently in process and will be presented to the District's Finance & Property Policy Sub-committee in February and subsequently to the District's School Committee. At this point, we have not received any financial data pertaining to fiscal 2007 from the Department of Education.

#### **Financial Issues**

##### **Septic system**

On July 28<sup>th</sup> the District School Committee voted to incur debt up to \$350,000, for the purpose of paying the costs of reconstruction and extraordinary repairs to the septic system. We are still in the design stage and anticipate the work to be completed over the summer.

##### **Salem Retirement Assessment**

Our fiscal year 2006 assessment from the Salem Contributory Retirement Board has increased from \$102,635 to \$247,171 a \$145,536 increase. According to the retirement board, a number of factors contributed to the increase. The main factors were the unfunded liability, early retirement incentive and increased payroll. We have requested the maximum assistance of \$100,000 through the foundation reserve (pothole) funds. We hope to be awarded some funds to alleviate some of the burden on the budget.

**Amelia P. O'Malley, Superintendent-Director**



## **HAMILTON-WENHAM REGIONAL HIGH SCHOOL**

I continue to be impressed with the quality of educators serving the families of Hamilton and Wenham. Our faculty has been dedicated to the self-study task necessary to prepare for the New England Association of Secondary Schools and Colleges (NEASC) site visit scheduled for September 2006.

Individuals who have retired from dedicated service at the end of the school year included Mr. Earl Berg, science teacher, Ms. Marlene Cann, family and consumer science teacher, Dr. Malvina Liebert, science teacher, Ms. Nancy Lynch, foreign language teacher, Mr. John Robinson, English teacher, Mr. Thomas Teusch, foreign language teacher, Mr. Ronald Toleos, social studies teacher, and Ms. Carol Chambers, secretary to the principal. They provided our students with such a rich and meaningful learning experience.

Our students continue to excel in their daily academic endeavors, and in national and state testing. Our students' performance on the Scholastic Aptitude Testing, Advanced Placement, and MCAS are well above national and state averages. 81% of the class continued their education at 4-year colleges, with an additional 11% continuing at two-year and post secondary schools. We are also proud of our students serving in the military and those starting their careers in the workforce.

Students continue to be active in co-curricular activities with well over 160 students taking part in the annual science and history fairs and representing the high school in state, regional, and national competitions. Over 300 students were involved throughout the year in various clubs and activities. Our College Bowl team led the way winning the championship trophy.

Our art, music, and drama students continue to distinguish themselves. Several students won Boston Globe Key Awards, and Drama Guild ensemble and individual awards at the One-Act Festival. Ten students were selected to District Band and Chorus. Two students were selected to the All-State Band and Chorus.

Our athletic teams competed successfully in all three seasons highlighted by our championship performance for the third straight year in Cape Ann League Swimming. The participation rates in athletics included over 300 students in fall sports and over 225 students in both the winter and spring seasons.

The support of our parent groups continues to be outstanding. The Friends of the High School, the various booster clubs, and the Sports and Activities Alliance enriched our students' lives.

**Robert M. Krol, Principal**

## WINTHROP ELEMENTARY SCHOOL

The Winthrop School opened in September with an enrollment of 349 students which includes three preschool sessions. In the spring of 2005, we offered the option of a “tuition” five-day kindergarten program. The tuition paid for all costs for an additional two and a half days of school for families who chose this model. This model will continue in 2006.

Using feedback from parents and teachers about the pilot report card used last year, teachers worked during the summer to present a final, revised card to teachers in the fall. The revised report card communicates students’ developing skills and academic progress. Teachers distribute report cards three times a year in grades one through five and two times a year in kindergarten. Teachers schedule parent/guardian conferences in the fall but a conference can be arranged whenever there is a need.

Charlotte Lidrbauch, the parent who formed a “Beautification Committee” two years ago, planned several “parent work days” throughout the year. A new walkway under the tree at the front of the building; pruning, planting of shrubs and plants; and a new coat of paint on exterior classroom doors and on children’s bathroom stalls are among the projects completed. This year, Mr. Dan Sklar, Winthrop Artist-in-Residence, completed a creative interpretation of a world map on the back wall of the stage as students observed the continued efforts of parents have improved the appearance of our school in many ways.

Sheila Boss-Concannon, art teacher, finalized the new art gallery in the corridor leading to the primary wing. Throughout the year, Ms. Boss-Concannon arranged displays of local artists including Caryl Hayes and Dan Sklar. She used the artists’ displays in lesson planning and brought students to the art gallery during class to develop their critical thinking and writing skills.

The year’s theme of “Winthrop Wonders Why” allowed teachers to plan lessons where children could ask questions and use their imaginations. In the fall, there was a school-wide fieldtrip to the Museum of Science in Boston. Children marveled at the live butterfly exhibit, learned about stars in the sky, how to heat with liquid nitrogen, and many other science concepts in the many exhibits.

We appreciate the efforts and support of the parents and community as we continue to provide meaningful and challenging educational experiences for children at the Winthrop School.

**Martha Cesarz, Principal**

# **MILES RIVER MIDDLE SCHOOL GRADE EIGHT GRADUATES**

Lauren Adams	Corey Daff	Emily Lanois	Dustin Randall
Quinn Allen-Wardell	Emily DeHority	Matthew Lavin	Amanda Ray
Anthony Ardon	Gina DeNapoli	Jillian Leikauskas	Lauren Reid
Mariah Astulfi	James Denton, III	Annie Lindland	Blake Riley
Daniel Atwood	Eric Der	David Littlefield	Peter Rokowski
Miranda Barnwell	Corey Dodge	Oliver Locke	Thomas Rosser
Emily Bartlett	Jared Dolan	McKenzie Love	Kimberly Row
Courtney Bateman	Michael Dolinsky	William MacKenna	Christopher Roy
Cody Beckett	Sean Doonan	Natalie Maes	Anthony Sanchez
Harold Berry, IV	Natalee Drougas	Kierstyn Maggiacomo	Robert Sandell
Jeanise Bertrand	Gwendolyn Edwards	Conor Maginn	Joseph Santarelli
Paige Besse	Antonio Eramo	Brianne Manzelli	Kelsey Shuka
Jason Bial	Alana Figurido	Christian Martyn	Jessica Silva
Harrison Black	Madison Finley	Amanda McCarthy	Andrew Smith
Katharine Borland	Lauren Fischer	Robyn McCarthy	Emily Smith
Craig Brand	Mollie Frederiksen	Ian McCracken	Mark Stehfest
Kristen Brao	Samantha Gallagher	Christi McCulloch	Anya Stelline
Dorothy Brennick	Brendan Gauthier	Kevin McGlynn	Jessica Stephens
Jonathan Britton	Steven Gonsiorowski	Austin McInnis	Meredith Swanson
Kevin Britton	Marlene Grasso	Davia Meader	Joseph Talbot
Clayton	Charles Graves	Daniel Meibaum	Jason Teal
Brockenbrough	Matthew Greeke	Joseph Mercurio	Katelyn Thibeault
Laurel Brooks	Adam Hammdorff	Natalie Minois	Lovell Thompson
Andrew Brown	Hannah Hebert	Daniel Mullen	Jared Tobyne
Molly Brown	Michael Hershberg	Justin Mullen	David Truschel
Conor Burke	Kayla Hill	Alexandra Nawoichik	Shawn Tucker
Hannah Bynum	Catherine Hoffman	James Nichols	Olivia Vanni
Kayla Capozzi	Calvert Holt	Sarah Nicoll	Emily Villa
Christine Cardamone	Hakeem Jackson	Brittany Noyes	Donald Vivian
Calandra Carnevale	Finley Janes	Kelsey O'Connor	Matthew Walsh
Katherine Cassidy	Claire Johnson	Meghan O'Neil	Jeremy Walton
Christopher Chandler	Katie Johnson	Stephanie Ozahowski	Michael Watson
Alexander Chitro	Kelly Johnson	Lukas Painchaud	Chrissy Webber
Edward Cho	Derek Keith	Lucas Paratore	Andrew Weld
Shane Collette	Michael Kerr	Alisa Parrett	Devin Whear
Casey Colyer	Richard Kimball, Jr.	Emily Patrolia	Colin Winrow
Alyssa Conville	Kelsey King	Nicholas Petrou	Christopher Wright
Victoria Corbin	Jonathan Kinney	Michael Pettinati	
Meagan Cotton	Timothy Kinsman	Brianna Pomeroy	
Kathryn Craig	Sean Kirtman	Christopher Poole	
Eleanor Crossan	Michael Klobucher	Philip Posillico	
Caroline Croyle	Andrew Knowlton	Dylan Press	
Charles Curtis III	Christina Kvistad	Jenna Prizio	



# HAMILTON-WENHAM REGIONAL HIGH SCHOOL

## 2005 GRADUATES

Amanda Elizabeth Alboth  
 Cordelia Reid Allsopp  
 Jonathan Ryan Amero  
 Callie Alise Ansaldi-Riera  
 Alicia Christina Ardon  
 Luba Mollet Armington  
 April Lauren Baker  
 Russell Thompson Barrie  
 Samuel Calvin Bauer  
 Evan Ross Beilin  
 Chelsea Putnam Bell  
 Haley Haddon Bencal  
 Mari Elenor Benham  
 Katelyn Marie Berry  
 Gwyneth Abigail Bertelson  
 Erica Christine Betcher  
 Jessamin Hope Birdsall  
 Elizabeth Ann Bonventre  
 Johnathan Michael Borland  
 Colleen Patricia Britton  
 Stephen Albert Britton  
 Trevor David Brooks  
 Nicole Marie Brunet  
 Stephanie Buonaugurio  
 Brian John Butterworth  
 Andrea Courtney Bynum  
 Alecia Anne Carey  
 Moira Kathleen Carlin  
 Alanna Suzanne Cauley  
 Nancy Searle Cavanaugh  
 Benjamin Charles Corwin  
 Taylor Shia Crabb  
 Hannah Prescott Cranton  
 Anika Sable Croteau  
 Brian Thomas Cusick  
 Schuyler Bremm Denton  
 Jesse Jonathon Dice  
 Rachel Eileen DiChiara  
 Michael Paul DiSanto  
 Shane Michael Dodge  
 Kate Lynne Doughty  
 Rebecca Milliken Drake  
 Kaitlin Bridget Driscoll  
 Travis Alan Durrell  
 Amy Elizabeth Dykstra  
 Alexandra Nicole Errante  
 Cassidy Marie Evans  
 Ian Edward Ferrel  
 Lauren Ganister Fields  
 Peter Morin Finocchio  
 Anne-Marie Fischer  
 Caroline Margaret Fischer  
 Danielle Evelyn Flynn  
 Micaela Joy Foley  
 Preston Trevor Foss  
 Mathew Charles Gansenberg

Zachary Baker Garfield  
 Trisha Leigh Gonsiorowski  
 Paul Joseph Greilich  
 Robert Ross Griffin  
 Ryan Charles Gwinn  
 Nicholas James Hamlin  
 Laura Ventura Hammdorff  
 Jessica Marie Hanson  
 Mia Hopkins Hargadon  
 Daniel Richard Harrison  
 Haley Elizabeth Hebert  
 Tracey Elaine Heitz  
 Katherine Claire Helming  
 Anson Gorga Highland  
 Tricia Jean Hinchey  
 Patrik Daniel Holmboe  
 Liam Jamie Hunter  
 Lucy Bearss Ingram  
 Nicholas Woodworth Jansky  
 Nathan Andrew Janssen  
 Jessica Marie Johnson  
 Kyle Gregory Johnson  
 Michael Foster Johnson  
 Kristin Therese Jones  
 Alexander John Kazes  
 Jonathan Barry Keller  
 William Fredrick LePard  
 Lauren Michelle Liporto  
 Christopher Joseph Liquori  
 Elizabeth Caroline Loy  
 Eric Thurston Lundquist  
 Patricia Elinor Lyons  
 Fiona Jean MacQuarrie  
 Katie Ann Magro  
 Alan Conner Mahar  
 Alison Leigh Malio  
 Angela Jean Marino  
 Aaron Franklin Marsh  
 Hollis McClory  
 Andrew William McElvain  
 Andrew Craig McFarland  
 Christopher Robert McGrath  
 Geoffrey Michael Melanson  
 Julie Lorraine Menounos  
 Jaclyn Marie Moran  
 Kelly Ann Morrison  
 Peter Jerome Moulton  
 Drew Harrison Mullen  
 Navine Nasser-Ghodsi  
 Anna Pearl Newman  
 Anne Katherine Nichols  
 Ryan Michael Noone  
 Michelle Nike Omowaiye  
 Katherine Julia Papacostas  
 Steven Michael Parry  
 Robert John Pedra

Jeffrey Curtis Peters  
 Jennifer Lee Piepenbrink  
 Neil Joseph Pietrantonio  
 Christopher Scott Pitts  
 Shalin Brine Pizzo  
 Timothy Kevin Puopolo  
 Erin Caitlin Putnam  
 Meredith Margaret Quinn  
 Angela Kathryn Raimo  
 Samantha Anne Randall  
 Alexa Marie Richards  
 Benjamin George Ricker  
 Joshua Scott Ricker  
 Mark Edward Ricker  
 Ian Rotondi-Gray  
 Courtney McCartney Rumbough Shayna  
 Ashley Russell  
 Bernadette Katherine Safrin  
 Bradford Linden Sargent  
 Samantha Joy Scarpa  
 Colin Joseph Serafino  
 Joseph Stephan Shaktman  
 Lindsey Anne Sherman  
 Colin Dayton Skinner  
 Justin Matthew Smith  
 Nicholas Steven Smith  
 Evan James Snavelly  
 Justin Meade Snow  
 Jessica Anne Spencer  
 Courtney Leigh Spongberg  
 Melissa Ashley St. Pierre-McGrath Tyler  
 Robert Stavros  
 Amanda Josephine Stephens  
 Karissa Carmella Stevens  
 Jeffrey Thomas Stinson  
 Shelby Elizabeth Strong  
 Meredith Ann Sullivan  
 Corey Jerome Sutherland  
 Daniel Benjamin Swartz  
 Mollie Jane Sweeney  
 Prajjwal Bomzon Tamang  
 Ujjwal Bomzon Tamang  
 Samuel Bernick Taylor  
 Lauren Marie Tefft  
 Jonathan Scott Tinkham  
 Justin Scott Towne  
 Nathan Edward Trunfio  
 Andrew Michael Truschel  
 Corey Raymond Tucker  
 John-Mark Howard Unsworth  
 Kirsten Dell Vouwie  
 Brian Christopher Walsh  
 Tegan Mallary Walsh  
 Bryan James Walton  
 Clark Guerouaou Willcox  
 Elyse Renae Wood

## SEALER OF WEGHT AND MEASURES

All devices used to weigh or measure for commerce in the Town of Hamilton have been tested and sealed in accordance with state regulations. The Treasurer/Collector received all fees collected.

Business	Device	Revenue
Brand Co	Scales	\$25
CVS	Scales	\$40
Crosby Marketplace	Scales	\$260
Curves	Scales	\$25
Family Medical Center	Scales	\$95
G & M Motors	Gasoline Pumps	\$320
Hamilton Convenience Store	Gasoline Pumps	\$160
Hungry Fox	Scales	\$10
Junction Ice Cream	Scales	\$80
Meadowbrook Farms	Scales	\$40
Oliver Gulf	Gasoline Pumps	\$240
Welsh & Lamson	Fuel Oil Trucks, Rack Test and Diesel Oil Dispensers	\$160

**Robert D. Rose, Sealer**

## TOWN CLERK

This was another busy year in the Town Clerk's office with two elections, four town meetings and two adjourned meetings. The Clerk's Office is responsible for local and state elections, recording and certification of all official actions from town meetings, census maintenance and voter registration, maintenance and issuance of vital records. This office also processes and issues various licenses including dog, fishing, hunting, sporting and marriage licenses, throughout the year.

Our office also serves as a general information center to the public. Numerous requests are filled for certified copies of vital records, general information about the Town and its activities, genealogical information, business and legal decisions by Town boards.

I would like to thank Administrative Assistant Marissa Frerk for her dedication and effort in performing the many and varied duties which make it possible for this office to run smoothly and also for her work on constantly updating the Hamilton Web Page keeping the residents informed. This has been a huge undertaking and she has done an outstanding job organizing it. Again this year, we are very fortunate to have dedicated senior volunteers who assist us with our special projects. Special thanks to our volunteers: Edward Haraden and Herbert Ryan.

	2003	2004	2005
<b>Marriage Licenses Issued</b>			
Residents (One or both parties from Hamilton)	18	28	28
Non Residents	<u>7</u>	<u>8</u>	<u>9</u>
Totals	25	36	37
<b>Births Recorded</b>			
Male	51	46	49
Female	<u>51</u>	<u>35</u>	<u>40</u>
Totals	102	81	89
<b>Deaths Recorded</b>			
Residents	41	43	31
Non Residents	<u>3</u>	<u>1</u>	<u>0</u>
Totals	44	44	31
<b>Fish and Game Licenses Issued</b>			
Fishing Licenses			55
Hunting Licenses			20
Sporting Licenses			15
Trapping			1
Waterfowl Stamps			18
Archery Stamps			13
Primitive Firearms			16
<b>Dog Licenses Issued</b>			
Dog Total			1,189
Kennels			17



Thank you Dog Officer Dyan Katz for your dedication to our furry friends and to the Board of Health for setting up the Rabies Clinic in the town garage with Dr. Pett.

## Elections and Registrations

Board of Registrars -Mary Anne Burrridge, Edward Seaver, James Richards and Jane M. Wetson, Clerk  
Officio

The Annual Town Election and the Special Town Election were held at the Winthrop School and I sincerely thank the dedication and hard work of the DPW in setting up the election, the Board of Registrars and the Election Officials, and the Hamilton Police for their support and professionalism. I would also like to thank the custodians and kitchen staff at Winthrop School for helping our day to run smoothly and keeping us well fed.

### Summary of Elections & Town Meeting for 2005

January 31, 2005	Special Town Meeting with 171 registered voters in attendance.
May 2, 2005	Annual Town Meeting with 490 registered voters in attendance.
May 3, 2005	Annual Town Meeting Adjourned session with 163 registered voters.
May 12, 2005	Annual Town Election with 2,159 ballots cast. 41% of the total 5,310 registered voters.
June 21, 2005	Special Town Meeting with 271 registered voters in attendance.
June 29, 2005	Special Town Election with 2,071 ballots cast. 38% of the total 5,387 registered voters.
October 17, 2005	Special Town Meeting - Adjourned due to lack of quorum.
October 24, 2005	Special Town Meeting - Adjourned Session with 177 registered voters.

The report of all Town Meetings and Town Elections may be found following this report.

The annual census forms were mailed out, and again we are urging residents to complete and return as soon as possible. Massachusetts State and Federal funding and representation depend on population. Also, the listing of every resident and household is very important to our Police and Fire Departments for safety reasons.

		Precinct 1	Precinct 2	Precinct 3	Totals
Voters		2,030	1,848	1,584	5,462
Non-Voters		928	927	1,007	2,862
Total Residents		2,958	2,775	2,591	<b>8,324</b>

Precinct	DEM	Green party USA	Green Rainbow	Interna 3 <sup>rd</sup> Party	Libertarian	Reform	REP	Unenrolled	Total
1	353		4	4	10	1	402	1256	2030
2	344		1	4	5		437	1057	1848
3	208	1	2	2	7	1	560	803	1584
Total	905	1	7	10	22	2	1399	3116	5462

I thank you for your support and for allowing me to serve you.

**Jane M. Wetson, Town Clerk**

## EASTERN ESSEX DISTRICT DEPARTMENT OF VETERANS' SERVICES

This department is charged under Chapter 115 Massachusetts General Laws with providing services to veterans, their survivors and dependents. Principal workload under state law includes the administration of aid to veterans and dependents. Communities fund this program, which is subsequently 75% reimbursed the following fiscal year by the Commonwealth. This is a need based program and the department is required to conduct periodic comprehensive review of the cases to insure no substantive facts have changed, while working with the veteran to identify alternative or long-term solutions to individual circumstances. During the calendar year no Wenham veterans/widows were on this program. Under state law the department also assists qualified veterans to obtain bonuses, and qualified veterans, widows and parents to obtain state annuities, property tax abatements, and other benefits.

The Veterans' Services program also mandates extensive interaction within the federal community, principally with the Department of Veterans' Affairs. The Veterans' Service Officer (VSO) assists veterans and their dependents in filing for pensions, service connected injury/illness compensation, dependency indemnity compensation for survivors, VA healthcare enrollment, insurance claims, decedent claims, and many other issues. Federal benefits processed by this department are paid directly to those eligible to receive the assistance or entitlement. The VA sent approximately \$473,000 to eligible recipients in Hamilton, of which the current staff is responsible for approximately \$181,000 dollars paid to or saved by those assisted in Hamilton.

Additionally, the department interacts within the federal community to correct military records, obtain needed documentation and insure veterans/dependents receive awards and recognition to which entitled. The VSO provided information, advice or assistance to 38 of the town's 440 *identified* veterans and 5 of the 85 *identified* veterans' widows during 2005. We also provide support and information assistance for National Guard and Reserves called up for service in Iraq or Afghanistan and their families.

The Director and the Assistant to the Director, Georgia Gadbois, advocate for veterans on issues at the local, state and federal level, interact with elected and appointed officials on issues, and work with local organizations in serving the community. Key state legislation passed in 2005 included an omnibus bill entitled "The Welcome Home Bill" that provided bonuses for military personnel serving since September 11, 2001, increased annuities for 100% service-connected disabled veterans and Gold Star parents and wives, and special benefits to Massachusetts National Guard personnel called to active duty. We assisted the Hamilton WWII Monument Committee in identifying names to be inscribed thereon. The department also provided information, assistance and guidance for senior citizens in determining their needs for Medicare D insurance.

The Eastern Essex District is composed of the Towns of Essex, Georgetown, Hamilton, Ipswich, Rowley, West Newbury and Wenham. A Board of Directors consisting of one selectman (or designee) from each town maintains oversight. Mr. William Bowler is the Hamilton member of the Board of Directors. Ms. Cheryl Booth, Treasurer for the Town of Hamilton, is also the District Treasurer.

**Terrance P. Hart, District Director**

## **ZONING BOARD OF APPEALS**

The Zoning Board of Appeals heard a total of Ten (10) petitions, one with multiple requests, in 2005. A summary of the Board's actions are as noted below:

- |   |                             |
|---|-----------------------------|
| (6) Petitions for Extension/Alteration of a Non-Conforming Use: | Granted with Conditions     |
| (1) Petition for Site Plan Review:                              | Approved with Conditions    |
| (1) Petition for Special Permit for Temporary Living Area:      | Granted with Conditions     |
| (2) Petitions for Signage Variances:                            | Granted with Conditions     |
| (1) Petition for Side Yard Setback Variance:                    | Withdrawn without Prejudice |

The Zoning Board of appeals also participated in the following items during the year:

- The Zoning Board, in preparation for 40B development submittals, continued review of Massachusetts 40B Guidelines and legislation.
- The Zoning Board began hearings for the proposed 40B development to be located on Essex Street, Hamilton at the site of the Junction Ice Cream stand.
- The Zoning Board reviewed and made recommendations to the Planning Board regarding proposed zoning by-law changes and additions.
- The Zoning Board participated in the first Hamilton all-board retreat at the Town Library.

**Beth Ganister, Chair**



TOWN OF HAMILTON  
Special Town Meeting  
Held  
January 31, 2005  
At  
Hamilton-Wenham Regional High School

Moderator declared a quorum being present (150) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 7:55 P.M. with 171 registered voters checked and present.

Moderator asked all to rise for the Pledge of Allegiance.

Tellers have been appointed by the Moderator and duly sworn.

Peter Twining	--	31 Woodbury Street
Deborah Twining	--	31 Woodbury Street
Arthur Crosbie	--	215 Linden Street
Chet Shuman	--	76 Rock Maple Avenue
James Richards	--	14 Knowlton Street
John Gledhill	--	465 Bridge Street

I have asked non-resident members of those assisting the Selectmen or Finance Committee to be present here so they may be available to answer questions. Members of the press [and the video crew] have also been allowed to be present. I remind those allowed here to do nothing which may influence the counting of a vote.

All other non-registered visitors must be seated in the visitors area to my left at the rear of the theater.

Another procedural note, we record these proceedings so as to have an accurate record of the meeting. Therefore, unless I recognize you by name, please use the microphones provided and give your name and address when you arise to address the Moderator.

**ARTICLE 1** Moved by James Bryant, duly seconded, that the Town hear reports of  
**Reports** Town Officers and Committees and to take action thereon or relative thereto.  
The Board of Selectmen, the Planning Board, the Economic Development  
Committee, the Public Safety Building Committee and the Housing Partnership Committee presented reports.

Moderator recognizes James Bryant to speak on behalf on the Board of Selectmen and the Long Range Planning Committee. Mr. Bryant presented his report with the aid of a Power Point presentation, which follows.

**Agenda for the Meeting**

The Theme of this Meeting is Planning

- What do we want our town to be in 5, 10, 15 years
- What are the major obstacles
- What should we do

We have a Long Range Financial Plan

- Gives us Context and Boundaries

We have a Master Plan

- Gives us Priorities, Options and Actions

Tonight is to Learn, Discuss, and Act

Long Range Financial Plan

- Pro Forma Financials 2005-2010
- Risks, Issues and Options

Master Plan Overview

- Process, Priorities, Recommendations and Actions

Economic Development Committee

- Land Use Options—Timeline for May Warrant

#### Public Safety Building Committee

- Concept Status—Timeline for May Warrant

#### Housing Partnership Committee

- Strategy Status—Joint Venture Housing Trust Warrant Article

#### Open Space

- Open Space and Farmland Preservation Bylaw Warrant Article
- Zoning Bylaw Definition Changes Warrant Article

#### Additional Warrant Articles

- Water Reserve Fund Transfer
- Groundwater Overlay Map
- Text Corrections from May 2004 articles
- Citizen Petition—Multiple Dwelling Subdivision
- Citizen Petition—High School Lighting

#### Long Range Planning Committee Report-James Bryant

#### Long Range Financial Plan

*\$ in Millions*

	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Revenue	\$3.1	\$2.9	\$3.0	\$3.0	\$3.1	\$3.2
Town Exp	\$8.2	\$8.2	\$8.3	\$8.6	\$8.9	\$9.2
Schools	\$11.5	\$13.3	\$14.9	\$16.2	\$17.9	\$19.8
Total Exp	\$19.7	\$21.5	\$23.2	\$24.8	\$26.8	\$29.0
Net	\$16.5	\$18.6	\$20.3	\$21.8	\$23.7	\$25.8
Levy Limit	\$16.8	\$16.8	\$19.0	\$20.8	\$22.3	\$24.2
Override		\$1.8	\$1.3	\$1.0	\$1.4	\$1.6

Tax Rate to fund Plan through 2010

- Total Property Valuation +10% CGR
- Rate from 12.52 to 12.05 -3%
- Tax Increase Average Home -- \$6063 to \$8936 +8% CGR

#### Plan Drivers

- School recovery plan - Expense +11% CGR
- No substantial State Help
- 95% residential Tax Base

#### Future Issues

- GASB Retiree Health Plan Funding
- Police and Fire Building
- North Shore Vocational Campus

#### Multiple solutions required—No Silver Bullet

- Increase Tax Base
- Manage Land Use to Lower Town Costs
- Ensure Expectations in Balance with Resources—Schools/Services
- Shift Use based services to Fee
- Increase Shared Services

We Could Contain the Public Safety Building in the current level of expense for Town Service

- More Aggressive Shared Services
- Shift to Fee Based Services
- Manage Lower Cost Development

We Could Reduce the Growth Rate of School Expense by 1%

- School Strategy

We Could Increase the Growth Rate of Property Valuation by 1%

- Targeted Cluster Development
- Multi-use Development
- Landfill Development
- Downtown Business Development

We Could Contain the Public Safety Building in the current level of expense for Town Service

- More Aggressive Shared Services

- Shift to Fee Based Services
- Manage Lower Cost Development
- We Could Reduce the Growth Rate of School Expense to 10%
  - School Strategy
- We Could Increase the Growth Rate of Property Valuation by 1%
  - Targeted Cluster Development
  - Multi-use Development
  - Landfill Development
  - Downtown Business Development
- The Tax Rate in 2010
  - Would go down to \$11.01
  - From \$12.05
  - Average Tax bill would
  - grow at 6% vs. 8%
- What Should We Do?
  - Get Involved with The School Strategy as it Completes this Spring
  - Be Open-Minded and Creative about the Way We Perform and Charge for Town Services
  - Support the Master Plan:
  - Open Space Bylaw
  - Economic Development
  - Affordable and Elderly Housing

Moderator recognizes Rick Mitchell of the Planning Board. Mr. Mitchell discussed the Hamilton Master Plan. Using a Power Point presentation Mr. Mitchell presented the following information:

- Summary of Master Plan Conclusions
- The Big Picture
- Implementation Items
- Benefits to Town of OSFPD
- OSFPD Bylaw Described
- Move to Adopt OSFPD Bylaw

#### Why a Master Plan?

- Hamilton unique with abundant open space and natural beauty
- Extremely heavy reliance on residential tax base to fund town services - generating burdensome taxes
- Lucky that large land owners have preserved large tracts of open space
- Rapidly growing pressure to develop land due to spiraling land costs
- Few options for economic development or affordable housing choices for residents.
- Two year effort
- Multiple volunteer committees involving over 70 citizens & town boards
- Guided by professional consultant
- 2 major public forums - - hundreds of sub committee meetings advertised & open to public
- Many articles in local newspapers
- Town wide survey of all households in town
- End result high quality, comprehensive, long range plan to guide land use, economic, and agricultural development, housing, community facilities, and delivery of town services

Hamilton Master Plan Survey Results -543 Responses

13 % < 5 years in Hamilton  
 18 % 5-10 years in Hamilton  
 26 % 11-25 years in Hamilton  
 33 % 26-50 years in Hamilton  
 10 % 51+ years in Hamilton

	<u>Agree</u>
Satisfied with Public Facilities	82%
Taxes Risen Too Fast	69%
Satisfied With School Quality	69%
Satisfied with Town Services	67%



Too Much Residential Growth

57%

Agree

Require Open Space w/Large Dev.

90%

Seek Grants

82%

Protect Open Space More

74%

More Trails for Passive Uses

59%

Use Taxes to Buy Open Space

55 % (34% no)

More Proactive re Water Supplies

81%

More Proactive re Water Conservation

75%

Agree

Restrict Development through Zoning

81%

Commercial dev. for open space on large estates

66%

Zoning - market rate elderly housing

59%

Taxes or bonds to buy land

52% (34% no)

Affordable housing for seniors

72%-68%

### The Big Picture - Recommendation

- Land Use
  - Protect Open Space
  - Guide Development
  - Preserve Historic Area
- Housing
  - Affordable
  - Elderly
- Facilities & Services
  - Schools
  - Public Safety
  - Capital Planning
- Economic Development
  - Increase Tax Base

Bylaws & Policies	Character	Agriculture & Open Space	Housing Options	Quality Services & Schools	Increase Tax Revenue	Lower Costs
40B Policy	✓	✓	✓			
OSFPD	✓	✓	✓			
Econ Development		✓		✓	✓	✓
Inclusionary	✓		✓			
Elderly Housing			✓	✓		✓

### Master Plan Implementation Priorities for 2004 and 2005

#### Selectmen Appointments:

- Capital Planning & Asset Management Committee
- Agriculture & Equestrian Committee
- Economic Development Commission
- Housing Partnership Committee

#### 2005 May Town Meeting

- Engineering for Wastewater Disposal Feasibility Study Funding

#### 2005 January Town Meeting

- Open space-residential cluster bylaw

#### The Big Picture - First Steps

- Pass bylaw this evening

- OSFPD Bylaw - pass tonight
- Housing Partnership Committee
  - Strategy
- Public Safety Building Committee
  - Concept Status
  - May Warrant
- Mixed Use Development
  - Strategy
  - Bylaw in May 2005
- Master Plan Priorities
  - Agriculture & Open Space
  - High Quality, Affordable Public Services & Schools
  - Downtown & Economy
- Future Planning Board Actions
  - Inclusionary Zoning
  - Mixed Use Economic Development

Moderator recognizes Peter Clark of the Planning Board for a brief statement regarding the Community Preservation Act.

Mr. Clark explained to residents that the Community Preservation Act is a tax surcharge of 1-3% that taxpayers voluntarily assess themselves to be placed in a trust fund for Community Preservation. When a project arises, the Commonwealth will match the Town's funds 100% for the purchase of land for open space, affordable housing, Town improvements, and other purposes. Mr. Clark said the Commonwealth will continue the 100% match for the next eight years. He asked interested residents to contact himself or Chris Davis to aid in the petition process. The group hopes to bring the issue before the Townspeople at the Annual Town Meeting in May.

Moderator recognizes Rick Mitchell to conclude his presentation regarding the Master Plan and Planning Board Activities.

Moderator recognizes Peter Twining of the Economic Development Committee. Mr. Twining addressed residents in regards to the work of the Economic Development Committee to improve business opportunities in Hamilton. His fellow Committee member, William Gisness also made a presentation on the group's work. Mr. Twining and Mr. Gisness made their presentation using the following Power Point information.

#### The Purpose of the Economic Development Committee (EDC)

- 2004 Master Plan calls for the Town to seek new sources of tax revenue which consume few Town Resources
- To increase tax revenue (without raising taxes) the Town must generate additional tax base via new development without adding more children to the Schools
- Focus on development which will support, not further strain, Town services.

#### Priority and Land Use Alternatives

Priorities per 2004 Master Plan Survey	Planned Mixed Use Development (PMUD)	Permanent Open Space & Agriculture	Current Residential	Downtown Commercial	Open Space Residential (OSFPD)
Maximize Net Tax Revenue	Positive ( <i>Focus on Commercial; Low Cost of Services</i> )	Neutral	Negative ( <i>High Cost of Services</i> )	Positive ( <i>Low Service Use</i> )	Neutral ( <i>Incentive for +55</i> )
Preservation of Open Space	Positive ( <i>Open Space Set Aside; New Revenue Source</i> )	Positive	Negative ( <i>Encourages Sprawl</i> )	Neutral	Positive ( <i>Cluster Option</i> )

#### Possible Planning Mixed Use Development By-Law Use Alternatives

- Age Restricted Housing (+55)
- Assisted Living
- Nursing Home or Continuing Care
- Business and Professional Offices
- Medical & Dental Clinics
- Health & Fitness Spa
- Golf Course
- Private Club
- Retail (Ancillary to a Primary Use)
- Hotel
- Conference Center
- Research & Development
- Biotechnology

Moderator recognizes Robert DeFelice of the Public Safety Building Committee who read the following statement.

The Public Safety Building Committee is comprised of Hamilton residents: Bob DeFelice, Dick Flynn, John Hale, Philip McCarthy, and Kalil Boghdan (Chairman).

In 2004, the town of Hamilton and the town of Wenham studied the concept of regionalizing the public safety departments with each other. That independent study concluded that regionalizing the public safety departments would not save the towns money. Currently, Wenham is in the process of building a new police station in conjunction with a new town hall.

The current police station and fire station, on Bay Road, was built in 1957. The population of Hamilton at that time was approximately 4,000 residents. In 1957, there were only two full time police officers and five reserve officers. There was no emergency center and there was no police department secretary. There were no full time fire fighters, and the fire department consisted of 25 call fire fighters. The fire trucks at that time were fewer and much smaller than the fire fighting equipment today.

In 1986, an attempt to build a new public safety facility was proposed, and this endeavor failed at the ballot.

In 2002, the population of Hamilton increased to 8,300 residents, and another attempt to build a new public safety facility failed at the ballot. In 2002, the cost of a new police station and the cost of renovations to the fire station would have been 4.6 million dollars. At that time, as in the present, there are: 15 full time police officers, 10 reserve police officers, and a full time secretary for the police department; five full time emergency center dispatchers and five part time dispatchers; four full time fire fighters, and 30 call fire fighters.

It is expected that by the year 2020, the population of Hamilton will grow to 12,000 plus residents.

The current public safety facility is: overcrowded, deteriorating; in violation of safety and occupancy codes.

The Public Safety Building Committee feels strongly that it is time for the town of Hamilton to act positively on a new public safety facility. Delaying the construction of a new facility will only cost more money in the future due to inflation and escalating construction costs.

All Public Safety Building Committee meetings are open to the public and your input and questions are welcome. There will be two presentations and public forums for residents to learn more about the four building options being considered. These public forums will be held at the old library (next to the police and fire station) on: Thursday, February 10, at 10:30 a.m., and on Thursday, February 17, at 7:30 p.m. Dates and times for these two public forums, and for other public forums, will be published in our local newspapers.



Please feel free to contact a committee member through Town Hall (978-468-5572).

After Mr. DeFelice spoke, the Moderator recognized Philip McCarthy who presented a Power Point presentation with photographs of the current police and fire station. He discussed the needs of the staff and overcrowding of the current location. The presentation was as follows:

#### Police Department

- Original Station had Two Police Officers
- Now there is 4 to 6 officers on duty at any given time
- Now Employs Fifteen Full-Time Officers
- Now Employs Ten Part-Time Officers
- Employs one civilian secretary
- Services 8,204 Citizens
- Covering 14.99 Square Miles
- The projected twenty year build out population 12,000

#### Police Critical Problems

- Security-Inadequate separation of Public Areas from Secure Police Functions
- Size-Too Small, Offices Crammed into Hallways and other Spaces
- Cells are inadequate: no separation for Male/ Female. No Juvenile Cells Against State Law
- Second Floor of Station is Not Handicap Accessible
- No Handicapped Public Rest rooms
- Inadequate Garage Space: Cruisers must be Kept Running in Winter for Emergency Runs
- Inadequate Evidence Storage
- Inadequate Medical Storage and Medical Cleaning Facilities

#### Fire Department

- Four Staff on Duty During Daytime Hours Throughout the Week
- Supplemented by Thirty On-Call Firefighters
- Services 8,204 Citizens
- Covering 14.99 Square Miles
- The projected twenty year build out population is 12,000

#### Fire Critical Problems

- Garage Doors-Can't Accommodate Modern apparatus
- Present Mutual Aid apparatus will not fit into Garage
- Not Enough Office Space, File/Equip. Storage
- Inadequate Garage Space/No Exhaust Removal System/No Decontamination Facilities
- No Living Quarters for Future Full-Time Firefighters
- Outdated drainage system
- No Provisions for Showers, Lockers or Female Employees

#### Emergency Center Operations Department (ECO)

- Employs Five Full-Time Dispatchers
- Employs Five Part-time Dispatchers
- Dispatches for Both Hamilton and Wenham
- Servicing a Combined Population of 13,204 people
- Covering a Combined Total of 23.2 Square Miles
- ALL Police Calls
- All Fire Calls
- All E.M.S. Calls
- Handles Walk-In Requests i.e. permits etc.

#### ECO Critical Problems

- Inadequate Space Needs For:
- Complex Radio Systems
- Emergency - 911 Equipment
- Computer Systems Required
- BAPERN system stored in Garage
- Comparator Store in Public Access Space(security issue)
- Two past employees forced to retire due to non-handicapped

Finally, the Moderator recognized Kalil Boghdan, the Chairman of the Public Safety Building Committee. Mr. Boghdan spoke briefly of the needs of the Police, Fire, and Emergency Center departments.

After explanation by Rick Mitchell, Peter Clark, Peter Twining, William Gisness, Robert DeFelice, Philip McCarthy, and Kalil Boghdan, with discussion, Moderator called for the vote to accept the reports of the Town boards.

#### VOICE VOTE: MOTION PASSES

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#### ARTICLE 2 Petition to Legislature for Affordable Housing Trust Fund

Moved by David Carey, duly seconded, that the Town authorize the Board of Selectmen to petition the Legislature to permit the Town to set up an Affordable Housing Trust Fund for receiving and disbursing funds earmarked for affordable housing, whether received by grant, gift, or as required by local by-law, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objective of this petition.

Mr. Carey used a Power Point presentation to impart his information.

#### Why was the Housing Partnership Committee (HPC) created?

- Create affordable housing for seniors, school and municipal employees, young residents, etc.
- Respond to Mass Law 40B Affordable Housing.
- Perform the following tasks:
  - Advise the town on housing and review projects.
  - Evaluate defensive strategies for 40B.
  - Assist with review and negotiations for 40B projects.

#### What is Affordable Housing?

- Housing for seniors, young families, etc.
- Under the 40B law, the definition is:
  - Affordable to households earning 80% of the area median income.
  - Does not cost more than 30% of the household's before-tax income.

#### What is 40B?

- A Massachusetts law.
- Applies to towns with less than 10% affordable housing.
- Allows developers to build projects that don't comply.
- If ZBA rejects a 40B project, developer can appeal.
- 40B project are usually 25% affordable.
- 40B project include up to 8 units per acre.

#### What is Hamilton's 40B Profile?

- 2,713 total housing units.
- 73 units (2.7%) 40B "affordable".
- To comply with 40B, we need
  - 200 units now, or
  - 27 units per year.
- An affordable property in Hamilton would cost approximately \$190,000.

#### Why are we hearing about 40B now?

- In the past, developers built big properties in big towns.
- In Hamilton, a buildable lot is \$300 to \$400k.
- And most land is zoned for 1 or 2 acres per home.
- 40B can build 8 units per acre and provide the best financial "deal" for owners and developers.

#### What is the benefit of an Affordable Housing Production Plan?

- If State approves plan and town builds to plan, the ZBA can deny 40B projects.
- However, under such a plan:
  - Town must build 200 units now, or
  - Build at least 27 units each year

#### What has the Hamilton Housing Partnership Committee done so far?

- Hired a consultant, Community Opportunities Group, Inc.

- Began work on housing production plan.
- Consultant says housing plan is not feasible.
- Consultant suggests alternative "tailored to local capacity and resources".
- State may accept as defense against 40B project.

What options has the HPC identified so far to increase affordable housing?

- Use of town-owned lots.
- Re-classify accessory apartments as affordable.
- Convert single family residences to multifamily.
- Use housing funds to buy units and resell at lower price.
- Re-classify existing properties as affordable.
- Ask landowners selling property to evaluate Planning Board and HPC options.

Article 2 Create an Affordable Housing trust fund

- Board of Selectmen to ask Legislature to permit Affordable Housing Trust Fund.
- Fund will hold money from gifts, grants or other sources.
- Fund can finance low interest loans, grants or other financial assistance to increase affordable housing.
- A bylaw still required for the town to proceed. Following David's comments, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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ARTICLE 3

Petition to the  
Legislature for  
Joint Venture for  
Affordable Housing

Moved by David Carey, duly seconded, that the Town authorize the Board of Selectmen to petition the Legislature to permit a joint venture between a private developer and the Town of Hamilton to build affordable housing on Town-owned land, based on assistance from a grant-making entity that supports the development of affordable housing, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objective of this petition.

Mr. Carey presented the following on this article.

Article 3 Create a Joint Venture for Affordable Housing

- Board of Selectmen to ask Legislature to permit town to partner with developer.
- Developer has proposed one or two units on town-owned lot.
- The property would be affordable and add to tax base.
- Attempt to restrict lottery to town employees.

After Mr. Carey concluded his remarks, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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ARTICLE 4

Open Space and Farmland  
Preservation Development  
(OSFPD) Zoning By-Law  
Amendment  
Requires 2/3rd Vote

Moderator: To see if the Town will amend the Zoning By-law, by deleting the current Section V. 12, entitled "Flexible Plan Subdivision" in its entirety and replace it with a new Section V.12, entitled "Open Space and Farmland Preservation Development" or take any other action thereon or relative thereto.  
Note: The proposed by-law appears as Appendix A to the January 31, 2005 Warrant Book.]

Moderator: There are a couple of corrections to the text of this by-law amendment:

On Page 7 of the Warrant, section 7.b has a repeated "that." The sentence should begin "The second step in the design process is to define and delineate the area that will contain buildings, roadways, other site improvements and amenities for residents of the development."

On Page 13 of the Warrant, section 17.b.i has an omitted word. The sentence should read "The applicant shall furnish sufficient copies of a complete Cluster Design Plan for the Planning Board to distribute to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on



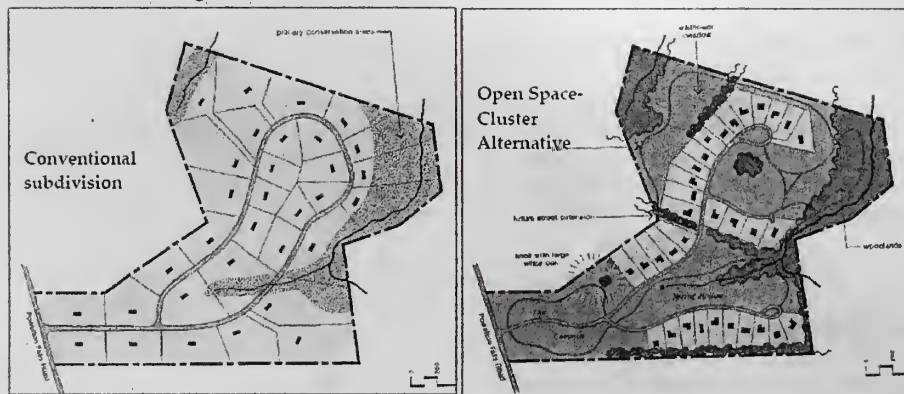
Disability, and Zoning Board of Appeals."

Moved by Robin Wilcox, duly seconded that the Town amend the Zoning By-law, by deleting the current Section V.A.12, entitled "Flexible Plan Subdivision" in its entirety and replace it with a new Section V.A.12, entitled "Open Space and Farmland Preservation Development as set forth in Appendix A of the Warrant Book for this meeting, with the corrections as read by the moderator.

Moderator recognizes Marc Johnson of the Planning Board to present the by-law. Mr. Johnson used the following.

#### OSFPD Benefits

- Sets aside 50% site open space without town cost
- Protects land's primary open space resources trails, wildlife habitats, farms, pastures, orchards, woodlands, water sources, views, etc
- Economic value & open space preservation possible
- Allows housing types other than single family homes
- Reduces water usage via smaller lawns
- Reduces infrastructure & town maintenance costs
- Encourages landowner & town communication



Only way our current bylaws allow development

#### Regional Towns with OSRD Style Cluster By-Laws



Amesbury  
Georgetown  
Gloucester  
Hingham  
Ipswich  
Lexington  
Lincoln  
Newbury  
Rockport  
Rowley  
Salisbury  
West Newbury

- Municipalities that have adopted OSRD bylaws/ordinances
- Municipalities that are actively pursuing passage of OSRD bylaws/ordinances
- Municipalities that have an OSRD style cluster bylaw/ordinance

### OSFPD Key Features

- Mandatory Special Permit Application
- Voluntary Compliance
- Applicability: 10 Acres into 5+ lots; 5+ dwellings
- 50% site must remain open space
- 120% Density Incentive for Using Bylaw
- Max 150% Density if
  - public access to open space (10%)
  - elderly housing (25%)
  - extra open space (25%)
- Design priority is preserving open space, then fitting clustered development in remaining space
- Special Permit for Concept Approval
- Definitive Subdivision & Cluster Design for Detailed Approval

### Changes Since May Town Meeting

- Only application is mandatory
- Conventional development rights remain as is
- Worked with other town boards for their support
- Cluster density starts with 120% of conventional (new), with three ways to build to 150% max density (same) (limited public access, excess open space or elderly housing)
- Removed density bonus for affordable housing
- “Cluster Design Plan Approval” vs. “Site Plan Approval” avoids conflict with existing zoning bylaws
- Reports from other boards in 30 days instead of 65 days
- The bylaw is shorter and easier to read

#### Pre Submission Conference

Apply for OSFPD Special Permit  
(w/ yield plan, sketch plan)

Cluster Design  
Plan Approval  
(single lot)

OSFPD Definitive  
Subdivision Plan  
Approval  
(individual lots)

Conventional Preliminary  
+ /or Definitive Subdivision  
Plan Approval

Moderator: This motion requires a 2/3rds vote for passage. Called for a voice vote, could not determine the vote; then asked all in favor to hold up their voting cards and then all the “nays” to hold up their cards.

**CARD VOTE: MOTION PASSES by 2/3rds Vote  
Declared by Moderator**

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### Appendix A

#### 12. OPEN SPACE AND FARMLAND PRESERVATION DEVELOPMENT

##### 1. Purpose and Intent. The purposes of Open Space and Farmland Preservation Development (OSFPD) are to:

- a. Protect permanently open space, agricultural and forestry land, historical and archeological resources, existing and proposed trails, wildlife habitat and corridors, and other natural resources including wetlands and water bodies; in a manner consistent with the goals of the Hamilton Master Plan;
- b. Encourage creative, environmentally sensitive design as the preferred form of residential development;
- c. Encourage a more efficient form of development that consumes less open land and respects existing topography and natural features better than a conventional or grid subdivision;
- d. Provide a variety of housing choices, particularly for older persons;
- e. Reduce the anticipated negative fiscal impact on the Town associated with conventional residential development; and
- f. Provide a development option to large-parcel landowners who wish to see a continuation of their stewardship of the land.

##### 2. Applicability.

- a. In the R-1a, R-1b, or RA Districts, a Special Permit is required from the Planning Board for any development of ten or more acres and/or five or more dwelling units. For purposes of Section V.12, a development includes:
  - i. Five or more dwelling units on a single lot of land; or
  - ii. A division of a tract of land containing ten or more acres, whether comprised of a single lot or contiguous lots held in common ownership, into five or more residential lots.Developments may not be segmented to avoid compliance with this Bylaw section. Accordingly, divisions that would cumulatively result in an increase by five or more

residential lots above the number existing twenty-four months earlier shall be subject to the requirements established herein. A division of land includes a subdivision as defined in M.G.L. c. 41, Section 81-L or 81-U, or a division of land under M.G.L. c. 41, Section 81-P.

iii. After the Planning Board has acted on the OSFPD Special Permit application, the developer maintains the option of proceeding with either an OSFPD or a conventional subdivision plan.

- b. Pre-Existing Lots. The provisions of Section V. Section 12 shall not apply to the construction of five (5) or more dwelling units on individual lots if the lots were in existence prior to adoption of this Bylaw section, or to the conversion of an existing structure into five or more dwelling units.
- c. Voluntary Process. Nothing in this Bylaw section shall prohibit the Planning Board from granting an OSFPD Special Permit on less than ten acres of land or comprised of fewer than five lots or dwelling units.
- d. Future Subdivision. The common open space and all lots in an OSFPD may not be further subdivided, and a notation to this effect shall be placed on the plan of record, which shall be recorded at the Registry of Deeds.

### 3. Planning Board Regulations.

The Planning Board shall adopt and from time to time may amend OSFPD Rules and Regulations to implement this Bylaw section. Such regulations shall include but will not be limited to Submission Requirements, Plan Requirements, such as size, form, number and contents; Development Standards, Site Standards, and Standards for Building Placement and Design. Such rules and regulations are required and authorized under M.G.L. Ch. 40A, s. 9, and shall be adopted after proper notice, posting, public hearing and vote by the Planning Board.

### 4. Permitted Uses. An OSFPD may include the following uses:

- a. Single-family detached dwellings.
- b. Townhouse dwellings, not to exceed four dwelling units per building.
- c. Multi-family buildings, not to exceed six dwelling units per building.
- d. Open space and conservation areas.
- e. Passive recreation, including trails for walking, hiking, cross country skiing, and horseback riding, and areas for other low-impact activities such as picnicking and wildlife observation.
- f. Agricultural, equestrian, and horticultural uses.
- g. Accessory recreational uses, such as a tennis court or playground, in the developed area.

### 5. Pre-Application Conference.

The applicant shall request and attend a pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Building Inspector, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals to attend. The primary purpose of the pre-application conference is to identify the site's natural or historically important features, riding or walking trails on the site and abutting parcels, public safety, traffic or infrastructure issues, and areas the Town prefers to see preserved as open space or for agricultural or equestrian uses. The secondary purpose of a pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage of development. Meetings may be held by mutual agreement of the Planning Board and the applicant. At the pre-application review, the applicant may outline the proposed OSFPD, seek preliminary feedback from the Planning Board, and set a timetable for submittal of a formal application. At the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an OSFPD Special Permit.

### 6. OSFPD Special Permit Application Procedures.

An application for a Special Permit for an OSFPD shall include a Yield Analysis and an OSFPD Concept Plan. The Planning Board may engage technical experts, at the applicants' expense, as reasonably necessary in connection with its review of the applicants' proposed analysis or plan(s).

- a. Sources of Data. Both the Yield Analysis and the OSFPD Concept Plan may be prepared from existing data, such as deed information, USGS topographical maps, FEMA floodplain maps, assessor's maps, orthophotographs, soil maps, or Department of Environmental Protection (DEP) Wetlands Conservancy Program maps. The locations of wetlands, streams and forest limits or locations will not be verified during the Concept Plan special permit process until the Applicant has delineated the same in the field and has obtained from the Hamilton Conservation Commission a Positive Determination verifying delineation, or the Applicant has been issued an Order of Resource Area Delineation under the procedures outlined in M.G.L. Ch. 131 s. 40 and Town of Hamilton By Laws Chapter 17. It is not necessary to verify these constraints for Concept Plan submittals, but the applicant must be aware that these locations should be as accurate as possible in order to avoid significant changes to the Concept Plan in subsequent applications for approval of an OSFPD Definitive Subdivision Plan or Cluster Design Plan.
- b. Yield Analysis. The Yield Analysis is a schematic representation of a conventional subdivision. It shall show the maximum number of lots (or dwelling units) that could be placed upon the site under current zoning for a conventional subdivision plan. That maximum number of lots shall constitute the Base Maximum Density. The Yield Analysis shall determine Base Maximum Density for the OSFPD, given the presence of natural building constraints on the site such as wetlands, floodplains, Conservancy Districts, steep slopes, and zoning requirements. The proponent shall have the burden of proof with regard to the Basic Maximum Density.
- c. Allowed OSFPD Density. The maximum number of lots (or dwelling units) in an OSFPD shall be 1.2 times the Base Maximum Density. Computations shall be rounded to the nearest whole number.
- d. OSFPD Concept Plan. The Concept Plan shall be prepared by a Registered Professional Landscape Architect,



Civil Engineer, or Architect, or by a multi-disciplinary team of which one member must be a Registered Professional Landscape Architect, and shall include the information listed below. The Concept Plan shall be produced through the five-step OSFPD Special Permit Design Process (Section 12.7. below), and shall incorporate the Common Open Space Requirement, Dimensional Standards, and OSFPD Special Permit Design Standards (Sections 12.8. through 10.) below.

- i. Title Block including the name of the Owner of record, name of Applicant, address of the property, and the Assessors' Map and Lot Number; name of the company preparing the plan, address and phone number, signature and stamp of professional(s) preparing the plan, date of plan, scale;
- ii. The location of the proposed development;
- iii. The size of the site in acres;
- iv. An existing conditions inventory and description of conservation areas identified during the OSFPD Special Permit Design Process pursuant to Section 7.a. below;
- v. The total number and approximate locations of the proposed buildings, dwelling units and/or lots, and the approximate size of each in square feet;
- vi. The acreage and proposed use(s) of permanently protected open space;
- vii. A statement on the disposition or manner of ownership of the proposed open space;
- viii. The areas or approximate delineation of lots that will be used as building areas, and the areas or approximate delineation of lots that are to remain as permanently protected open space;
- ix. A general description of how drainage will be handled, including a soils statement (soil conservation survey is acceptable) and the general area of the site to be used for storm water management facilities; and
- x. Sufficient detail of proposed built and natural features as described in Section 12.7. (OSFPD Special Permit Design Process) below to enable the Planning Board to make the required determinations of Section 12.12. (Decision of the Planning Board for OSFPD Special Permit)

#### **7. OSFPD Special Permit Design Process.**

- a. Identification of conservation areas. The first step in the design process requires identification of conservation areas on the site, including wetlands, areas located in the Hamilton Conservancy District, riverfront areas, and floodplains regulated by state, federal, or local law; unprotected natural landscape features such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and wildlife corridors or connections thereto; cultural features such as historic and archeological sites and scenic views; and recreational features such as established trails used for horseback riding, walking and cross-country skiing. To the maximum extent feasible, conservation areas shall include areas identified by the Planning Board during the pre-application conference.
- b. Identification and delineation of the proposed development area. The second step in the design process is to define and delineate the area that will contain buildings, roadways, other site improvements and amenities for residents of the development. To the maximum extent feasible, the proposed development area shall consist of land outside the identified conservation areas.
- c. Location of dwelling units. The third step in the design process is to identify and delineate the approximate location of dwelling units in the proposed development area. The number of units should conform to the Allowed OSFPD Density calculated in Section 12.6.c, (OSFPD Special Permit Application Procedures), as modified by any public benefit incentive increases as per Section 12.15. (Public Benefit Incentives). The location of dwelling units should account for proximity to common open space and other amenities, including community buildings for use by residents of the development. Toward this end, the number of dwelling units with direct access to the amenities of the development should be maximized.
- d. Roads and trails. The fourth step in the design process is to identify and delineate the approximate location of roads and trails. Roads shall be aligned to access the dwelling units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails and sidewalks.
- e. Lotting. If applicable, the final step in the design process is to identify the approximate location of lot lines.

#### **8. Common Open Space Requirement.**

To qualify for an OSFPD Special Permit, a development must provide at least 50% of the total land area as permanently protected, usable, common open space that is functional for purposes intended by this Bylaw section. The common open space shall have no structures, parking, private yards, patios, or gardens that are restricted for the exclusive or principal use by residents of individual dwelling units. The following standards apply to the common open space in an OSFPD:

- a. Use, Shape, Location of Common Open Space.
  - i. To the maximum extent feasible, the common open space shall be undisturbed, unaltered and left in its natural condition or existing condition. It shall be appropriate in size, shape, dimension, location, and character to assure its use as a conservation area, or where appropriate, a recreational area, and serve as a visual and natural amenity for the development and the Town.
  - ii. The common open space shall be contiguous and linked as a unit, with links at least 75 feet wide, unless waived by the Planning Board.
  - iii. Common open space shall be functional for wildlife habitat, passive recreation, resource preservation, agriculture, or equestrian uses.

- iv. The location(s) and configuration of the common open space shall be subject to approval by the Planning Board.
  - v. Each parcel of common open space shall offer adequate access to residents of the OSFPD.
  - vi. Land used for common or shared septic systems may not be counted toward the minimum common open space requirement unless authorized by the Planning Board.
  - vii. Not more than 50% of the common open space in an OSFPD shall consist of areas subject to the Wetlands Protection Act, M.G.L. c.131, Section 40, for reasons other than being subject to flooding, or the Conservancy District as defined by Section V.C. of this Bylaw.
  - viii. Existing utility easements may not be counted as common open space.
  - ix. Up to five percent (5%) of the minimum required open space may be used for gravel roadways, pavement or structures accessory to the dedicated use or uses of the common open space. Principal or accessory structures and access roads essential to an agricultural use are exempt from this requirement, except for indoor/covered riding rings.
  - b. Ownership of the Common Open Space. Any common open space within an OSFPD shall be conveyed to the Town and accepted for park or open space use, and/or shall be conveyed to a non-profit organization the principal purpose of which is the conservation of open space, and/or shall be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the plan, as provided by M.G.L. c. 40A, Section 9. In any case where the common open space is not conveyed to the Town, a restriction enforceable by the Town or the Conservation Commission shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.
9. Dimensional Standards. To maintain harmony with surrounding areas, existing dimensional requirements of this Bylaw shall apply to any lot located along the perimeter of an OSFPD or abutting any existing residential development. In addition, any OSFPD lot that relies on an existing public way for frontage shall conform to the applicable frontage and front yard setback requirements. For interior lots in an OSFPD, the Planning Board may waive the requirements for minimum lot area, setbacks, building coverage, frontage, number of dwelling units per lot, shared driveways or irregular lot shape that would normally apply in the zoning district in order to maximize the amount of open space, reduce site disturbance and protect significant farmland or scenic landscapes. The following additional requirements apply within the OSFPD:
- a. The minimum distance between clusters of any townhouse dwellings shall be fifty feet (50') unless waived by the Planning Board to further the purposes of this Bylaw section.
  - b. At least 50% of the required yard setbacks shall be maintained on interior lots in the OSFPD unless a reduction is authorized by the Planning Board to accommodate "zero lot line" design.
10. OSFPD Special Permit Design Standards. The following General and Site Specific Design Standards shall apply to all OSFPDs and shall govern the development and design process.
- a. General Design Standards.
    - i. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. The grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
    - ii. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject property.
    - iii. Building designs shall relate harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings.
    - iv. All open space shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
    - v. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or any adjacent properties.
  - b. Site Specific Design Standards.
    - i. Mix of Housing Types. The OSFPD may consist of a combination of single-family, two-family and other multifamily residential structures. Two-bedroom units are encouraged to be designated as age-restricted (55 years old and over).
    - ii. Parking. Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in the computation. All parking areas with greater than four spaces shall be screened from view from the road. Residential structures should be oriented toward the street serving the premises and not the required parking area.
    - iii. Buffer Areas.
      - (1) A vegetated buffer area of 25' minimum shall be provided at the following locations:
        - i. perimeter of the property where it abuts residentially zoned and occupied properties
        - ii. certain resource areas on or adjacent to the tract such as rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes.
      - (2) A landscape plan will be required for buffers to ensure screening from abutting properties.



Additions to existing plantings may be required by the Planning Board.

(3) The Planning Board may waive the buffer requirement when it determines that a small buffer (or no buffer) will suffice to accomplish the objective set forth herein.

(4) Driveways necessary for access and egress to and from the tract may cross such buffer areas.

iv. Stormwater Runoff and Drainage. The peak rate of stormwater runoff and drainage design shall comply with Department of Environmental Protection Stormwater Management Policy. All structural surface stormwater management facilities shall be accompanied by a conceptual screening and landscape plan. The Planning Board shall encourage low impact development practices such as the use of "soft" (non-structural) natural stormwater management techniques (such as open swales) and other drainage techniques that do not create impervious surfaces and that enable infiltration where appropriate. Water conservation measures, including but not limited to the use of rainwater retention systems, such as rain barrels and cisterns for water irrigation purposes, are also strongly encouraged.

v. Common/Shared Driveway. A common or shared driveway may serve a maximum of three dwelling units unless otherwise approved by the Planning Board, with input from public safety officials.

vi. On-site Pedestrian and Bicycle Circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

**11. Review Procedures for OSFPD Special Permit.**

a. The applicant shall furnish a copy of the application to the Town Clerk.

b. The applicant shall furnish sufficient copies of the special permit application to the Planning Board to distribute for review to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals.

c. Reports from the above-named boards and officials shall be submitted to the Planning Board within thirty (30) days of receipt by the reviewing party. In the event that the public hearing by the Planning Board is held prior to the expiration of the 30-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 30-day period. Public hearing procedures shall comply with the requirements of M.G.L. Ch. 40A, Section 9.

d. Planning Board members shall conduct a site visit with the applicant prior to or during the public hearing.

e. An OSFPD Special Permit may be issued only following a public hearing held within 65 days after filing an application with the Planning Board.

f. Once an OSFPD Special Permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, no dredging or filling and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and decided as provided by these regulations.

**12. Decision of the Planning Board for OSFPD Special Permit.** The Planning Board shall take one of the following actions within 90 days following the date of the public hearing unless extended by written agreement between the Planning Board and the applicant in accordance with M.G.L. c.40A, Section 9, and Section VIII.C of this Bylaw:

a. The Planning Board may grant an OSFPD Special Permit with any conditions, safeguards, and limitations, considering each of the following:

i. The degree to which the conceptual design and layout of the proposed OSFPD is superior to a conventional development in preserving open space for conservation and recreation, preserving natural features of the land, achieving more efficient provision of streets, utilities and other public services, and providing a high degree of design quality;

ii. The degree to which the OSFPD promotes permanent preservation of open space, agricultural land, forestry land, historical and archeological resources, existing and proposed trails, wildlife habitat and corridors, and other natural resources including wetlands and water bodies;

iii. The degree to which the OSFPD achieves sustainable design through a more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision; and

iv. The degree to which the OSFPD furthers the goals and policies of the Master Plan; and the purposes of this Bylaw section.

b. The Planning Board may deny a special permit upon finding that the application does not comply with the provisions of this Bylaw section.

c. The Planning Board may determine that the location is best suited for a conventional division of land, and issue a special permit decision authorizing the applicant to submit a conventional subdivision plan (or a plan for a division of land for five or more lots, such as an ANR plan).

d. The applicant may elect to submit a conventional subdivision regardless of the findings of the Planning Board.

**13. Effect of OSFPD Special Permit Approval.**

a. Approval of an OSFPD Special Permit under this Bylaw section shall not be considered approval of any construction. This approval is a preliminary approval, intended to give guidance to the applicant for the development of an OSFPD Definitive Subdivision Plan or a Cluster Design Plan, and to determine whether the applicant's submittal meets the objectives of this Bylaw section and the Town.

b. Approval of an OSFPD Special Permit does not indicate approval of the Board of Health, Conservation



Commission, or any other entity from which the development requires separate permits or approvals.

14. Duration of OSFPD Special Permit. An OSFPD Special Permit is granted for a period of two years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown.

15. Public Benefit Incentives. In approving an OSFPD Special Permit, the Planning Board may authorize an increase in the number of dwelling units beyond the Allowed OSFPD Density. Such increase may be approved only for an OSFPD that provides one or both of the following public benefits:

- a. Additional Common Open Space. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as common open space, including preserving and providing public access to existing walking or riding trails or for providing connections to existing trails on abutting parcels, an increase of ten percent (10%) of the Base Maximum Density may be approved; provided, however, that the total number of additional units shall not exceed 25% of the Base Maximum Density (computations shall be rounded to the nearest whole number).
- b. Housing for Older Persons. For every one (1) dwelling unit restricted to occupancy by persons over the age of fifty-five, the Planning Board may approve an increase of one (1) additional dwelling unit; provided, however, that the total number of additional units approved shall not exceed 25% of the Base Maximum Density (computations shall be rounded to the nearest whole number).
- c. Limited Public Access to Common Open Space. An increase of 10% of the Base Maximum Density may be approved by the Planning Board for limited public access to the common open space for passive recreation. In no event shall the Planning Board approve an increase of more than fifty percent (50%) percent of the Base Maximum Density.

16. Relationship Between the OSFPD Special Permit and OSFPD Definitive Subdivision Plan.

An OSFPD that involves a subdivision of land may be submitted to the Planning Board for approval under the Subdivision Control Law following the issuance of an OSFPD Special Permit. Planning Board approval of an OSFPD Special Permit shall neither oblige the Planning Board to approve any related Definitive Plan nor substitute for such approval. The OSFPD Definitive Subdivision Plan shall substantially comply with the OSFPD Concept Plan.

17. Relationship Between the OSFPD Special Permit and Cluster Design Plan Approval.

The issuance of an OSFPD Special Permit allows the applicant to submit a Cluster Design Plan to the Planning Board for review and approval. A Cluster Design Plan shall be considered neither a subdivision plan under the Subdivision Control Law nor a site plan subject to the provisions of Section VI.H of this Bylaw. No Cluster Design Plan may be filed unless an OSFPD Special Permit has been approved and has not lapsed.

- a. Cluster Design Plan Submittal Requirements. The applicant shall submit an application for Cluster Design Plan Approval to the Planning Board, with a copy filed with the Town Clerk. The size, form, number and contents of the Cluster Design Plan Application and plan requirements shall be set forth in the Planning Board's OSFPD Rules and Regulations.
  - i. The Cluster Design Plan shall be designed to conform to the approved OSFPD Special Permit.
  - ii. Cluster Design Plan Application filing fees shall be governed and set by the Planning Board in OSFPD Rules and Regulations, and shall be assessed to the owner and/or the applicant. Separate technical review fees as provided for in state statute may be assessed for engineering, architectural or other review by one or more consultants selected by the Planning Board.
- b. Cluster Design Plan Procedures. Cluster Design Plan Approval may be issued by the Planning Board only following a public hearing held within 35 days after filing an application with the Planning Board.
  - i. The applicant shall furnish sufficient copies of a complete Cluster Design Plan application for the Planning Board to distribute to the Board of Health, Board of Selectmen, Building Inspector, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals.
  - ii. Notice of the time, place and subject matter of the public hearing shall be in accordance with the provisions of M.G.L. c.40A, Section 11. Legal notice mailed to abutters shall be sent by the Planning Board by Certified Mail at the Applicant's expense. Reports from other boards and officials shall be submitted to the Planning Board within thirty (30) days of receipt by the reviewing party. In the event that the public hearing by the Planning Board is held prior to the expiration of the 30-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 30-day period.
  - iii. The Planning Board shall determine whether the Cluster Design Plan complies with the requirements of Section 12. (Decision of the Planning Board for OSFPD Special Permit) within 65 days of the public hearing. If no action is taken within 65 days, the application shall be deemed approved as submitted.
  - iv. Within 15 days of its vote on the Cluster Design Plan, a copy of the Cluster Design Plan decision shall be filed with the Town Clerk and the Building Inspector, with a copy being sent by Certified Mail or hand delivered to the applicant. Any interested party aggrieved by the Cluster Design Plan decision may file an appeal under the provisions of M.G.L. c.40A Section 17.
  - v. The Building Inspector shall not approve any building permit application subject to these provisions without receipt of Planning Board approval and expiration of the appeal period, as certified by the Town Clerk.
- c. Cluster Design Plan Decision. The Planning Board shall take one of the following actions within 65 days following the date of the public hearing:
  - i. The Planning Board shall approve a Cluster Design Plan only upon a determination that the plan

substantially complies with the OSFPD Special Permit and satisfactorily addresses all of the following criteria:

1. Adequate access to each structure for public safety equipment and personnel.
  2. Adequate utility service and drainage, consistent where appropriate with the Hamilton Subdivision Regulations in effect at the time of the submission of the Site Plan.
  3. Adequate capacity on impacted streets to accommodate the proposed project, based on reports received from the Police Department and the Department of Public Works or technical review consultants retained by the Planning Board.
  4. Adequate measures to reduce the volume of cut or fill, soil erosion, and visual intrusion of parking areas viewed from public ways or abutting properties.
  5. Protection of pedestrian and vehicular safety within the site and egressing from it.
  6. Compliance with conceptual landscape, building design, and placement of buildings.
  7. Consistency with the Planning Board's OSFPD Rules and Regulations.
  8. Compliance with all the other requirements of this Bylaw.
- ii. A Cluster Design Plan will be considered not to comply substantially with the OSFPD Special Permit Plan if the Planning Board determines that any of the following conditions exist:
1. An increase in the number of buildings or dwelling units;
  2. A significant decrease in the open space acreage;
  3. A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
  4. Significant changes to the storm water management facilities; and/or,
  5. Significant changes in the wastewater management systems.
- iii. If the Planning Board determines that the Cluster Design Plan does not substantially comply with the OSFPD Special Permit, the Board may disapprove the Cluster Design Plan.
- iv. The Planning Board may conditionally approve a Cluster Design Plan that does not substantially comply with the OSFPD Special Permit. However, such conditional approval must identify where the plan does not substantially comply with the special permit for the Concept Plan and shall require that the Special Permit be amended to be in compliance with the significant changes identified by the Planning Board.
- a. The Planning Board shall also require that the applicant file an application to amend the OSFPD Special Permit within a specified time period.
- b. The public hearing on the application to amend the OSFPD Special Permit shall be limited to the significant changes identified by the Planning Board in their conditional approval of the Cluster Design Plan. These are the only considerations that the Planning Board may take into account in deciding whether to amend the OSFPD Special Permit for the Concept Plan.
18. Severability. If any portion of this Bylaw section is declared to be invalid, the remainder shall continue to be in full force and effect.

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#### ARTICLE 5

#### Zoning By-law

#### Amendment: Definitions

#### (Remove numbering)

#### Requires 2/3rd Vote

Moved by Peter Clark, duly seconded, that the Town amend Section VII.

Definitions, of the Zoning By-law by deleting all numerical item references to definitions. Moderator reminded residents this motion requires a 2/3 vote for passage and called for the vote.

### **VOICE VOTE: MOTION PASSES UNANIMOUSLY**

Amended Section VII, Definitions – January 31, 2005

#### **SECTION VII. DEFINITIONS**

(Definitions amended January 31, 2005, Article 5, to delete all numerical item references to definitions. Former definition number is shown in ( ) at the end of each definition.)

In this ordinance the following terms shall have meanings described below:

Accessory use or building: A use or building which is subordinate and customarily incidental to and located on the same lot with the principal use or building to which it is accessory, except uses accessory to scientific research, scientific development or related production, as set forth in this By-law, which uses need not be located on the same lot as the principal use. (formerly 1)

Adult Entertainment Use: An establishment, a building or portion thereof, or a use of land having a substantial or significant portion of its business activity, stock in trade, or other matter or materials for sale, rental, distribution, or exhibition which is distinguished or characterized by sexual conduct or sexual excitement as defined in Section 31, of Chapter 272 of the General Laws, or a depiction, description or representation thereof, or emphasis thereon, including but not limited to adult bookstores, adult cabarets, adult motion picture theaters, adult paraphernalia stores, and adult video stores as hereafter defined. (formerly 2)

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines,



or other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. Ch. 272, Sec. 31. For the purpose hereof, the words "substantial or significant" shall mean more than fifteen percent (15%) of the establishment's inventory of stock, or more than fifteen percent (15%) of the establishment's gross floor area. (formerly 3)

**Adult Cabaret:** A night club, bar, restaurant, tavern, dance hall, or similar commercial establishment which features:

- a. persons who appear in a state of nudity; or
  - b. live performances which are characterized by sexual conduct or sexual excitement as defined in G.L. Ch. 272, Sec. 31; or
  - c. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of sexual conduct or sexual excitement as defined in G.L. Ch. 272, Sec. 31.
- (formerly 4)

**Adult Motion Picture Theater:** An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. Ch. 272, Sec. 31. (formerly 5)

**Adult Paraphernalia Store:** An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in G.L. Ch. 272, Sec. 31. For the purposes hereof, the words "substantial or significant" shall mean more than fifteen percent (15%) of the establishment's inventory of stock or more than fifteen percent (15%) of the establishment's gross floor area. (formerly 6)

**Adult Video Store:** An establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. Ch. 272, Sec. 31. For the purposes hereof, the words "substantial or significant" shall mean more than fifteen percent (15%) of the establishment's inventory of stock, or more than fifteen percent (15%) of the establishment's gross floor area. (formerly 7)

**Aquifer:** Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water. (formerly 8)

**Automobile Repair Shop:** A shop or garage for the repair of motor vehicles, other than a private garage or service station. (formerly 9)

**Building:** A structure having a roof or cover and forming a shelter for persons, animals or property. (formerly 10)

**Driveway:** Any improved access for regular use by vehicle from the roadway of a street to a dwelling or other main building on a lot, or for use for which site plan approval or a special permit is required. A track or path used primarily by animals, or primarily for access of farm equipment to a field or orchard, or primarily for wood cutting, or for maintenance of a utility line is not a driveway. A driveway includes all of its branches. (formerly 11)

**Duplex and Two-Family Dwelling:** A building intended or used for habitation by two families, either side by side or one above the other under a single roof. (formerly 12)

**Dwelling:** A building or part thereof designed, erected and used for continuous and permanent habitation for one family or individual, but not including trailers, however mounted, or commercial accommodations offered for periodic occupancy. (formerly 13)

**"Elder Housing"** shall mean multi-family dwellings which contain three or more independent dwelling units consisting of a suite of rooms, its own bath and toilet facilities and its own kitchen facility. Each such building may also include central kitchen and dining facilities for providing meals to the residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In one of such buildings, a unit may be included for occupancy by the manager of the development and his or her immediate family, one room of which may be used for an office, and, except for the unit so used and occupied by the manager, no unit in the buildings of the Development shall be occupied by more than two (2) persons, one of whom must be a person who is sixty (60) years of age or over. (formerly 14)

**Family:** Any number of persons living together as a single economic unit and ordinarily using a single cooking facility. (formerly 15)

**Garage, Private:** Covered space for the housing of motor vehicles, no more than two of which belong to others than the occupants of the lot on which such space is located. (formerly 16)

**Gasoline Service Station:** A structure or lot used for the sale of gasoline, oil, or automobile accessories or for servicing or storing motor vehicles, other than a private garage. (formerly 17)

**Gross Floor Area, (Business):** The floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. (formerly 18)

**Gross Floor Area, Residential:** The area of a residential structure used for living space, excluding basement and attic area. (formerly 19)

**Groundwater Protection Overlay District:** The Groundwater Protection Overlay District shall consist of those areas shown on the Hamilton Groundwater Protection Overlay District Map, dated May 1985, amended May 2000 to include the aquifer protection districts of neighboring communities, that lie within the Town of Hamilton. Said map is hereby incorporated into the Zoning By-Law by reference, and shall be on file with the Town Clerk. (ed. Note: Every Zoning By-Law book sold after 1985 includes a Groundwater Protection District map and a regular Zoning District map.) (formerly 20)

**Impervious Surface:** Material or structures on, above or below the ground that do not allow precipitation or surface water to penetrate directly in the soil. (formerly 21)

**Interim Wellhead Protection Area (IWPA):** Where the Zone II has not yet been delineated and approved by the



Massachusetts Department of Environmental Protection (DEP), an interim wellhead protection area shall consist of the area within a one-half mile radius (2,640 feet) measured from the well or wellfield for sources whose approved pumping rate is 100,000 gpd or greater. Regulations applying to a Zone II shall apply equally to an interim wellhead protection area. (formerly 22)

Lot: Shall mean an area of land in one ownership with definite boundaries, used, or available for use, as site for one or more buildings. (formerly 23)

Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores or bedrock. (formerly 24)

Potential Drinking Water Sources: Areas which could provide significant potable water. (formerly 25)

Recharge Area: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II or Zone III. (formerly 26)

Rooming or Boarding House: A dwelling in which the family resident therein provides eating/ and or sleeping accommodations for not more than four paying guests who use only the cooking facility ordinarily used by the resident family. (formerly 27)

Street: A public way, a way opened or dedicated to public use or a way plotted and laid out for ultimate public use, whether or not constructed. (formerly 28)

Street Line: The sideline of a street or way, as determined by deeds and plans recorded at the Registry of Deeds, or a building line laid out under Chapter 82, Section 37 of the Mass. General Laws; where no line is thus legally established, then a line parallel with and twenty-five feet distant from the center line of a traveled way. (formerly 29)

Structure: Any construction, erection, assemblage or other combination of materials upon the land made in such a manner as to indicate a purpose that it remain in position indefinitely. (formerly 30)

Temporary Additional Living Area: The Zoning Board of Appeals, as special permit granting authority, may issue a special permit authorizing the conversion and use of a portion of a single family dwelling as a separate living area with cooking facilities. (Section V.A.11.e.1). It is the intention of this provision that such additional living area shall not be used as an apartment for hire, but only as a convenience for the owner(s) under special circumstances. (formerly 31)

Toxic or Hazardous Material: Any substance or mixture of physical, chemical or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Hamilton. Toxic or hazardous material include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids or alkalis, and all substances defined as Toxic or Hazardous under M.G.L. c.21C and 21E and 310CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use. (formerly 32)

Trailer or "Mobile Home": Any structure or vehicle designed or adapted for human habitation which is capable of being moved from one place to another, whether by being towed or by being transported. (formerly 33)

"Wind Energy Conversion System": A device for converting wind motion into usable domestic energy. (formerly 34)

Zone I: The protective radius required around a public water supply well or wellfield; for purposes of this By-Law, the required radius is four hundred feet (400'). (formerly 35)

Zone II: The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the ground water divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a ground water flow divide in contact with till or bedrock, or a recharge boundary). (formerly 36)

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#### **ARTICLE 6**

##### **Zoning By-law**

##### **Amendment: Definitions (add OSFPD definitions)**

##### **Requires 2/3rd vote**

Moved by Peter Clark, Planning Board, duly seconded that the Town amend Section VII. Definitions, of the Zoning By-law by amending or adopting certain defined terms, in part in conformity with the adoption of the Open Space and Farmland Preservation Development section of the Zoning By-law as set forth in Appendix B of the Warrant Book for this meeting.

Moderator: This motion requires a 2/3rds vote and called for a voice vote.

#### **VOICE VOTE: MOTION PASSES UNANIMOUSLY**

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#### **ARTICLE 7**

##### **Groundwater Protection Overlay District Map Zoning By-law**

To see if the Town will amend the Groundwater Protection Overlay District Map last amended in May 2000, as referenced in Section V.D of the Zoning By-law, to reflect changes to the Zone II and Solid Waste Facility Areas, and to amend the date reference in Section V.D.3 to reflect the amended map date, or take any other action thereon or relative thereto. [Note: A copy of the map is on file in the Office of the Town Clerk.]

Moved by Peter Clark, duly seconded, that the Town take no action on this article. Mr. Clark explained further changes to the map will need to be made between now and the Annual Town Meeting in May. The

article will be moved at that time with the remaining changes.

The Moderator reminded residents that this motion requires a 2/3rds vote for passage.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**  
**To take NO ACTION**

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<b>ARTICLE 8</b> Water Reserve Fund Transfer Request	To see if the Town will appropriate monies from the Water Reserve Fund to pay current and future Water Department litigation expenses, or take any other action thereon or relative thereto. (Expected request is \$15,000.)
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Moved by William Bowler, duly seconded, that the Town take no action on this article. Mr. Bowler explained to residents that as a result of DEP regulation, legal fees will continue to accrue and this item will instead appear on the warrant for the Annual Town Meeting.

Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**  
**To take NO ACTION**

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<b>ARTICLE 9</b> Town By-law Amendment: Clarification RE: License or permit actions due to non-payment of taxes and fees	Moved by William Bowler, duly seconded, that the Town amend Chapter V, Section 3 of the Town By-laws to add certain text shown as underlined in Article: 9 of the Warrant Book to Subsection B, as prescribed by MGL Chapter 40, Section 57 so that the first sentence of said subsection shall read as follows: The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice.
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Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**  
**CHAPTER V**  
**COLLECTION OF TAXES**

**SECTION 1.** The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town including the collection of water accounts, excepting interest on investments or sinking of trust funds. If it shall seem advisable to the Town Collector that suit or suits should be instituted and prosecuted in the name of the Town, in connection with the collection of any of said accounts due to the Town, he shall so advise the Selectmen, who shall have authority as agents of the Town to institute and prosecute the same.

**SECTION 2.** Payments of municipal charges and bills shall be due thirty days after mailing, and if such charges and bills remain unpaid when due, interest shall accrue thereon at the rate then charged on tax bills under the provisions of Section 57 of Chapter 59.

**SECTION 3. Denial or Revocation of License or Permit for Nonpayment of Local Taxes, Fees or Other Charges:**

A. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on



said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality at the date of issuance of said certificate.

C. Any party shall be given an opportunity to enter into a payment agreement thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provision of law.

D. The Board of Selectmen may waive such denial suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its Officers or stockholders, if any, or members of his immediate family, as defined in Section one of Chapter 268 A, M.G.L. in the business or activity conducted in or on said property.

E. This By-law shall apply to the following licenses and permits only:

- 1) Variances
- 2) Special Permits
- 3) Building Permits
- 4) Occupancy Permits
- 5) Site Plan Reviews
- 6) Alterations to a Non-Conforming Use
- 7) Comprehensive Permits
- 8) Zoning Permits (required by the ZBA)
- 9) Flexible Subdivision Plans
- 10) Business Certificates
- 11) Alcohol Licenses
- 12) Board of Health Permits

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#### **ARTICLE 10**

**Citizens' Petition**

**Zoning By-law**

**Amendment**

**Requires 2/3rd Vote**

Moved by Kathleen Slack that the Town amend Zoning By-law, Section III.

Existing Uses and Structures by adding a new paragraph 8 at the end of said section, to read follows:

"8. Any lot upon which more than one dwelling existed at the time of the initial adoption of this Zoning By-law, may be divided into separate lots, each of which lots shall contain one such dwelling, notwithstanding that one or more of such

lots may not then conform to the dimensional provisions of this Zoning By-law and provided further that all such lots, and the dwellings thereon, comply with the following:

(a) All of the dwellings must comply with the definition of "Dwelling," as set forth in Section VII of this Zoning By-Law; provided that said dwelling must be a structure designed primarily for continuous and permanent habitation and shall not include trailers, apartments or temporary housing of any kind.

(b) All of the lots must have been owned by the Petitioner, by blood relatives of the Petitioner, or by trusts or related entities in which the Petitioner and/or a blood relative of the Petitioner has owned a controlling interest for a minimum period of twenty (20) years prior to the endorsement of the ANR Plan referred to Paragraph (c) below.

(c) Petitioner's lots must qualify for an ANR (Approval Not Required) endorsement from the Hamilton Planning Board in accordance with MGL Chapter 41 Section 81L.

(d) All lots shown on the ANR Plan must comply with the lot area, lot coverage, and building setback requirements of the Hamilton Zoning By-Law then in effect.

(e) Once the ANR Plan has been endorsed by the Planning Board, and recorded at the Essex South District Registry of Deeds, all lots shown thereon must remain in single-family residential use, in perpetuity, and otherwise in compliance with the Hamilton Zoning By-Law Use Regulations, as amended, and a notation to this effect made upon such plan.

Mr. Edward Hogan Jr. also addressed the meeting about this article. Mr. Jack Gardner of 375 Bridge Street asked if this by-law would permit the building of additional structures on properties. Mr. Hogan replied,



No, it would not.

Moderator: This motion requires a 2/3rds vote for passage. Called for a voice vote, could not determine the vote; then asked all in favor to hold up their voting cards and then all the "nays" to hold up their cards.

**CARD VOTE: MOTION PASSES by 2/3rds Vote**  
**Declared by Moderator**

\*\*\*\*\*

**Article 11** To see if the Town will amend the Zoning By-law, Section VI.H.2c Exemptions  
**Citizens' Petition** from Site Plan Review by adding the following:  
**Zoning By-law Amendment**

"7. Installation and operation of field lighting at the Hamilton Wenham Regional High School multi-purpose athletic field; provided that this exemption shall not apply the operation of lighting after 10:00 p.m. or the usage of the lighting for any events for which the fields have been rented or leased by the School District to third parties."

Moved by Scott Maddern, duly seconded that the Town *take no action* on this article.

Mr. Maddern explained that the group would like to withdraw their petition, and he thanked those who had worked long hours to make it possible.

Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**  
**To take NO ACTION**

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The Moderator adjourned the Special Town Meeting at 9:55 P.M.

**A TRUE COPY: ATTEST:**

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Jane M. Wetson, Town Clerk

ANNUAL TOWN MEETING  
Held  
Monday, May 2, 2005  
At  
Hamilton-Wenham Regional High School

Adjourned Session  
Held  
Tuesday, May 3, 2005  
At  
Hamilton-Wenham Regional High School

At the close of registration on April 10, 2005, there were 5,363 registered voters.

Precinct 1 - 2013  
Precinct 2 - 1828  
Precinct 3 - 1522

Moderator declared a quorum being present (150) and the Warrant returned showing it had been properly served, opened the 212<sup>th</sup> Annual Town Meeting at 7:45 P.M. with 490 registered voters checked and present.

Moderator asked all to rise for the Pledge of Allegiance.

Moderator appointed the Assistant Moderator who has been duly sworn.  
Robert Poole --56B Moynihan Road

Tellers have been appointed by the Moderator and duly sworn.

Donald Herdeg	--	37 Howard Street
Christopher LaPointe	--	21 Mill Street
David Ketcham	--	5 Old Cart Road
Ranjit Balse	--	217 Sagamore Street
Kent Kusel	--	591 Essex Street
Deborah Twining	--	31 Woodbury Street
Linda Mastrianni	--	23 Maple Street

We have set up the cafeteria across the hall as overflow space. There is a closed circuit television set in the cafeteria and two tellers. All other non-registered visitors must be seated in the visitors' area.

Another procedural note, we record these proceedings so as to have an accurate record of the meeting. Therefore, unless I recognize you by name, please use the microphones provided and give your name and address when you arise to address the moderator. People in the cafeteria desiring to speak to any article should contact one of the tellers and arrange to be brought to the microphones in the auditorium.

All registered voters have been given a distinctive voter ID card when checking into the meeting. Do not lose or destroy this card. You will need to show the card on any counted vote. If you cannot show the card, your vote may not be counted.

The invocation was given by Rev. Joan-Anne Westfall, Pastor of the First United Methodist Church in Hamilton.

Moderator called upon Bill Bowler, Chairman of the Board of Selectmen for a few announcements.

Bill Bowler, recognized Blanch Day who retired from the Hamilton-Wenham Library Trustees after 30 years of service, first as a Hamilton Library Trustee, and then on the joint library board. Bill thanked her for her service.

Moderator recognized State Representative Brad Hill to give a brief summary of actions at the State House. Mr. Hill informed residents that the Regional School District would be receiving additional funding for Fiscal Year 2006.

### SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 1-1  
Election of Officers  
and Ballot Questions

Moved by the Moderator, duly seconded that the Town vote to elect the following Town Officers and to vote for the ballot questions shown as and Appendix A of this Warrant at the Annual Town Election on Thursday, May 12, 2005 from 7:00 a.m. to 8:00 p.m. at the Winthrop School.

Town Moderator for one year  
One Selectman for three years  
Town Clerk for three years  
One Assessor for three years  
Two members of the Planning Board one member for five years and one member to fill an unexpired term of four years.  
One member of the Hamilton Housing Authority for five years.  
Two members of Hamilton Wenham Public Library Trustees one member for three years and one member to fill an unexpired term of two years, both to represent Hamilton.  
Three members of the Hamilton-Wenham School Committee for three years.

After reading the article the Moderator called for the vote.

VOICE VOTE: MOTION PASSES

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ARTICLE 1-2  
Reports

Moved by Bill Bowler, duly seconded, that the reports of Town Officials and Committees be received and placed in file.

Moderator recognized Bill Bowler of the Board of Selectmen. Mr. Bowler reported that the Selectmen's reports would be given during other parts of the meeting.

Moderator recognized Laurie Wilson of the Finance Committee who presented her committee's report for the Fiscal Year 2006 budget.

After explanation by Bill Bowler, and Laurie Wilson with discussion, Moderator called for the vote.

VOICE VOTE: MOTION PASSES

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### SECTION 2: FINANCIAL ACTIONS

ARTICLE 2-1  
Compensation/  
Classification Table

Moved by David Shaughnessy, duly seconded, that the Town amend the Personnel By-law, as recommended by the Personnel Board, by adopting changes to the classification and compensation plans.

David explained that there is an Annual Structural Increase of up to 2% for of employees covered under the present By-Law.

VOICE VOTE: MOTION PASSES

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### APPENDIX B

Compensation Table (FY 2006)

CLASSIFICATION AND COMPENSATION OF FULL AND PART-TIME POSITIONS



### General Administration

#### Full Time Annual Salary (except where noted as hourly)

Steps	I Start	II 6 mos.	III 18 mos.	IV 30 mos.	V 42 mos.	VI 54 mos.	VII 66 mos.
Town Administrator	65,780	68,411	71,148	73,995	76,953	80,033	83,234
Finance Director/ Acct.(2)	65,780	68,411	71,148	73,995	76,953	80,033	83,234
Treasurer-Collector	47,932	49,848	51,844	53,916	56,073	58,316	60,649
Town Accountant	40,620	42,244	43,934	45,691	47,521	49,419	51,397
Asst. Town Acct.	16.47hr.	17.14hr.	17.82hr.	18.53hr.	19.27hr.	20.04hr.	20.84hr.
Director of Assessors Office	40,620	42,244	43,934	45,691	47,521	49,419	51,397
Chief Appraiser(1)	47,932	49,848	51,844	53,916	56,073	58,316	60,649
Asst. to Town Administrator	15.41hr.	16.03hr.	16.69hr.	17.35hr.	18.06hr.	18.76hr.	19.53hr.

(1) Currently under a contract rate which differs from the salary in the table. See Contract Rate section.

(2) Less than full time. Hourly salary based on annual salary from table.

### Part Time Hourly Rates

Steps	I Start	II 6 mos.	III 18 mos.	IV 30 mos.
Clerk/Typist	13.35	13.87	14.44	15.01
Custodian	13.95	14.50	15.09	15.69
Administrative Assistant	14.27	14.84	15.45	16.07
Facilities Repair and Maintenance	16.47	17.14	17.82	18.53

### Town Hall Union Employees

#### Hourly compensation established by union contract. Rates shown for information purposes only.

Steps	I Start	II 6 mos.	III 18 mos.	IV 30 mos.	V 42 mos.	VI 54 mos.	VII 66 mos.
Administrative Assistant – Grade 1	13.47	14.01	14.59	15.17	15.76	16.41	17.05
Administrative Assistant – Grade 2	14.42	14.98	15.61	16.23	16.86	17.54	18.25
Police Clerk/Stenographer - Grade 2	14.42	14.98	15.61	16.23	16.86	17.54	18.25
Assistant Treasurer/ Collector – Grade 3	16.64	17.31	17.99	18.71	19.45	20.24	21.05
Assistant Assessor - Grade 3	16.64	17.31	17.99	18.71	19.45	20.24	21.05

### Recreation Department

Steps	I Start	II 6 mos.	III 18 mos.	IV 30 mos.	V 42 mos.	VI 54 mos.	VII 66 mos.
Recreation Director	40,620	42,244	43,934	45,691	47,521	49,419	51,397

### Building and Land Use

#### Full Time Annual Salary

Steps	I Start	II 6 mos.	III 18 mos.	IV 30 mos.	V 42 mos.	VI 54 mos.	VII 66 mos.
Building/Zoning Inspector (1)	34,423	35,799	37,233	38,721	40,271	41,881	43,557
Conservation Coordinator (2)	34,423	35,799	37,233	38,721	40,271	41,881	43,557
Planning Coordinator (2)	34,423	35,799	37,233	38,721	40,271	41,881	43,557

(1) Less than full-time. Currently under a contract rate which differs from the salary in the table. See Contract Rate section.

(2) Less than full time. Hourly salary based on annual salary from table.

### Public Works

#### Full Time Annual Salary

Steps	I Start	II 6 mos.	III 18 mos.	IV 30 mos.	V 42 mos.	VI 54 mos.	VII 66 mos.
Public Works Director	65,780	68,411	71,148	73,995	76,953	80,033	83,234

Department of Public Works Union Employees

Hourly compensation established by union contract. FY 2005 rates shown for information purposes. FY 2006 rates to be established by collective bargaining.

Step	I Start	II 6 mos.	III 18 mos.	IV 30 mos.
Foreman	18.25	19.00	19.80	20.63
Mechanic	18.25	19.00	19.80	20.63
Foreman 2	16.67	17.35	18.09	18.84
Heavy Equipment Operator	15.84	16.49	17.18	17.90
Truck Driver/Laborer	14.82	15.38	16.00	16.67
Water Sys. Oper. Lic. Class 3	16.42	17.10	17.78	18.52
Water Sys. Oper. Lic. Class 4	18.25	19.00	19.80	20.63

Public Safety

Full Time Annual Salary (except where noted as hourly)

Steps	I Start	II 6 mos.	III 18 mos.	IV 30 mos.	V 42 mos.	VI 54 mos.	VII 66 mos.
Chief of Police (1)	65,780	68,411	71,148	73,995	76,953	80,033	83,234
Emergency Center Supervisor	40,620	42,244	43,934	45,691	47,521	49,419	51,397
Fire Chief	65,780	68,411	71,148	73,995	76,953	80,033	83,234
Fire Inspector	40,620	42,244	43,934	45,691	47,521	49,419	51,397
Asst. Fire Inspector/Firefighter	15.20hr.	15.81hr.	16.43hr.	17.10hr.	17.79hr.	18.49hr.	19.24hr.
Firefighter/Operator (2)	15.20hr.	15.81hr.	16.43hr.	17.10hr.	17.79hr.	18.49hr.	19.24hr.
Health Agent (1)	47,932	49,848	51,844	53,916	56,073	58,316	60,649

(1) Currently under a contract rate which differs from the salary in the table. See Contract Rate section.

(2) Firefighter/Operator holding officer position in Call Force will receive 5% differential.

Part Time

Steps	I Start	II 6 mos.	III 18 mos.	IV 36 mos.
Dispatcher (3)	13.96hr.	14.78hr.	15.68hr.	16.59hr.
Reserve Patrolman (4)	15.14hr.	16.04hr.	17.00hr.	18.03hr.
Fire Equipment Mech.	17.46hr.	18.17hr.	18.89hr.	19.65hr.
Animal Control Off.	13.18hr.	13.71hr.	14.25hr.	14.83hr.
Custodian	13.95hr.	14.50hr.	15.09hr.	15.69hr.

(3) The base pay differential for evenings (3PM to 11PM) is 3% and for nights (11PM to 7AM) is 5%.

(4) The base pay differential for evenings (4PM to 12AM) is 3% and for nights (12AM to 8AM) is 5%.

Call Firefighters Wages (5)

Rank	Hourly Wage
Deputy Chief	22.40
Captain	20.74
Lieutenant	19.08
Fire Fighter with CPR First Responder	16.59
Inspector; Electrical/Building	19.08
Probationary Fire Fighter	14.10
State Certified Fire Fighter Level I	17.42

(5) State Certified Firefighters receive an additional 5% at any rank.

**Emergency Center Union Employees**

Weekly rates established by union contract. FY 2005 rates shown for information purposes.  
FY 2006 rates to be established by collective bargaining.

Steps	I Start	II 6 mos.	III 18 mos.	IV 36 mos.	V 48 mos.	VI 60 mos.	VII 72 mos.
Dispatcher 3	547.44	579.92	614.71	649.94	675.94	702.98	731.11

3 The base pay differential for evenings (3PM to 11PM) is 3% and for nights (11PM to 7AM) is 5%.

**Police Union Employees**

Weekly rates established by union contract. FY 2005 rates shown for information purposes.  
FY 2006 rates to be established by collective bargaining.

Steps	I Start	II 12 mos.	III 24 mos.
Patrolman	666.85	747.95	828.34

A Sergeant's pay is equal to the maximum Patrolman's plus 15%

Lieutenant's pay is equal to the maximum Patrolman's plus 25%

The base pay differential for evenings (4PM to 12AM) is 3% and for nights (12AM to 8AM) is 5%.

**Other**

EMT Pay (non-union)	35.75wk
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**Special Rates for Occasional Help**

	Range of Compensation	
General Clerical	7.00hr.	10.30hr.
Laborer: Light Work	7.00hr.	11.33hr.
Seasonal Recreational Help	6.75hr.	15.45hr.

**Positions with an Annual Stipend**

	Annual Rate
Plumbing/Gas Inspector	11,972
Electrical Inspector	11,972
Asst. Plumbing/Gas Inspector	736
Assistant Electrical Inspector	736
Assistant Building Inspector	736
Sealer of Weights and Measures	1,681
Registrar of Voters	272
Deputy Fire Chief	1,500
Fire Dept. Captains	750
Fire Dept. Training Officer	500
Animal Inspector	3,641
Chairman Board of Health	779
Board of Health Members	441
Appeal Board Chairman	1,501

**Elected Officials Other Than Full Time Employees**  
 Rates shown for information purposes only

	Annual Rate
Chairman/Selectmen	2,879
Selectmen	2,546
Chairman of the Assessors Board	2,569
Assessor Board Members	1,920



**Contract Rates**

**Employee Contracts - Part Time**

	Weekly Rate
Building/Zoning Inspector	wk.
Chief Appraiser	wk.
MIS Systems Analyst	wk.
Health Agent	hr.

**Employee Contracts - Full Time**

	Annual Rate
Chief of Police	

**ARTICLE 2-2**  
**General Town**  
**Appropriations**

Moved by Laurie Wilson, duly seconded, that the Town raise and appropriate the sums for schools, highways, and all other Town expenses which are set forth in the recommended FY 2005 Fiscal year Budget column appearing in Appendix C of the Warrant Book [excepting those items held].

Moderator called for the vote.

**VOICE VOTE: MOTION PASSES (No items held)**

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**ARTICLE 2-3** Moved by Bill Bowler, duly seconded, that the Town approve the Water  
**Water Enterprise Budget** Enterprise Budget.

Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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Town of Hamilton	FY 2002	FY 2003	FY 2004	Budgeted	Recommended
Budget Forecast	Actual	Actual	Actual	FY 2005	FY 2006
<b>WATER ENTERPRISE FUND</b>					
INCOME	\$767,915	\$781,000	\$680,305	\$856,000	\$748,000
LEIN REVENUE		\$12,000	\$54,910		\$56,177
MISCELLANEOUS INCOME	\$4,735	\$12,000	\$17,189	\$2,700	
INTEREST INCOME	\$953	\$-	\$381	\$400	\$-
BAN PREMIUM		\$500			
TOTAL	\$773,603	\$805,500	\$752,785	\$859,100	\$804,177
WAGES	\$128,778	\$145,354	\$142,349	\$160,904	\$237,996
ADMINISTRATIVE ASSISTANT	\$32,220	\$33,501	\$34,466	\$35,020	\$-
LONGEVITY-ALL ELIGIBLE EMPL.	\$600	\$600	\$2,700	\$2,700	\$-
CONTRACT SERVICES	\$9,288	\$10,000	\$7,150	\$10,000	\$10,000
UTILITIES	\$62,998	\$60,000	\$68,440	\$60,000	\$60,000
FUEL/VEHICLE R & M	\$5,702	\$6,000	\$5,978	\$6,000	\$5,000
OVERTIME	\$41,138	\$37,500	\$33,769	\$30,000	\$14,000
CLERICAL OVERTIME	\$100	\$700	\$-	\$700	\$-
WELL MAINTENANCE	\$29,983	\$20,000	\$11,267	\$20,000	\$20,000
EXPENSES	\$23,000	\$18,000	\$17,783	\$18,000	\$18,000
WATER TREATMENT OPERATING	\$-	\$50,000	\$48,721	\$52,000	\$50,000
WATER EMERGENCY FUND	\$-	\$30,000	\$-	\$50,000	\$50,000
SYSTEM MAINTENANCE	\$49,594	\$40,000	\$29,260	\$40,000	\$35,000
METERS	\$2,381	\$3,000	\$3,000	\$35,000	\$-

DEBT SVC/BORROW COSTS FILTRATION	\$184,376	\$179,425	\$174,565	\$169,706	\$164,846
GENERAL FUND TRANSFERS	\$119,335	\$119,335	\$119,535	\$119,335	\$119,335
WATER LITIGATION			\$96,298		\$20,000
WATER ENT CAPITAL PROJ	\$93,196	\$-	\$-	\$-	\$-
RETAINED EARNING TRANSFER	\$-	\$-	\$-	\$-	\$-
<b>TOTAL</b>	<b>\$782,689</b>	<b>\$753,415</b>	<b>\$795,281</b>	<b>\$809,365</b>	<b>\$804,177</b>
<b>NET OPERATING SURPLUS (DEFICIT)</b>	<b>\$(9,086)</b>	<b>\$52,085</b>	<b>\$(42,496)</b>	<b>\$49,735</b>	<b>\$-</b>
<i>For informational purposes only no vote required</i>					
RECREATION REVOLVING					
REVENUE					
SUMMER PARK PROGRAM	\$120,217	\$91,250	\$91,250	\$100,000	\$109,973
USER FEES	\$8,000	\$8,000	\$8,000	\$25,000	\$35,000
FUNDRAISING	\$14,000	\$6,000	\$6,000	\$-	\$-
PROGRAMS	\$27,500	\$27,500	\$27,500	\$60,000	\$60,000
<b>TOTAL REVENUE</b>	<b>\$169,717</b>	<b>\$132,750</b>	<b>\$132,750</b>	<b>\$185,000</b>	<b>\$204,973</b>
<b>EXPENSES</b>					
PAYROLL	\$103,377	\$77,240	\$77,240	\$70,000	\$60,000
PROGRAMS	\$19,000	\$14,400	\$14,400	\$80,000	\$90,000
FACILITIES	\$16,000	\$16,000	\$16,000	\$35,000	\$50,000
OTHER EXPENSES	\$11,200	\$18,400	\$18,400		\$4,973
<b>TOTAL EXPENSES</b>	<b>\$149,577</b>	<b>\$126,040</b>	<b>\$126,040</b>	<b>\$185,000</b>	<b>\$204,973</b>
<b>NET OPERATING SURPLUS (DEFICIT)</b>	<b>\$20,140</b>	<b>\$6,710</b>	<b>\$6,710</b>	<b>\$-</b>	<b>\$-</b>

#### **ARTICLE 2-4**

Moved by Bill Bowler that the Town authorize the following transfer of funds:

#### **Transfer of Funds from Water Retained Earnings**

- A. To pay for FY'05 Water Department litigation expenses relative to the appeal of the water withdrawal permit (*expected request is \$40,000*);
- B. To fund the drilling of test wells for future water supply sources, (*expected request is \$55,000*);
- C. To fund the first year of a three year program for the purchase and installation of a remote-read radio meter system and retrofit program (*expected request is \$80,000*);
- D. To fund an air-photo flight of the Town and digitizing of certain features of the Town, (*expected request is \$31,000*).

Moderator called for the vote.

#### **VOICE VOTE: MOTION PASSES**

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#### **ARTICLE 2-5**

Moved by Laurie Wilson, duly seconded that the Town authorize the following

#### **Annual Financial Actions financial actions.**

- A. To transfer a sum of money from the Cemetery Sale of Lots and Graves Account to be used for cemetery purposes (*expected request \$2,000*);
- B. To transfer a sum of money from the Cemetery Perpetual Care Account to be used for cemetery purposes (*expected request \$10,000*);
- C. To transfer a sum of money from the Clark Property Account to the Conservation Fund (*expected request \$4,105*);
- D. To transfer a sum of money from the Water Enterprise Account to the General Fund (*expected request is \$119,335*);
- E. To transfer overlay surplus to reduce the [FY'] 2006 tax levy (*expected request \$80,000*);

F. To close out unused money on Article 3-7 of the 2004 Annual Town Meeting for FY'05 and transfer it to the General Fund to reduce the 2006 tax levy (*expected request \$10,000*).

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 2-6**

**Public Safety Building  
Exclusion - Question 1  
Majority Vote**

Moved by Kalil Boghdan, duly seconded, that the Town appropriate \$5,939,000 to be raised by incurring indebtedness, contingent upon the passage of a *Debt* referendum question pursuant to G.L. c. 59, Sec. 21C (k), to fund the cost of 2/3 designing, constructing, originally equipping and furnishing a new Public Safety Building; such referendum question to be voted upon by ballot at the Annual Town Election to be held on May 12, 2005 at the Winthrop School from 7 a.m. to 8 p.m.. The ballot question text is set forth in Appendix A, Question 1 of this Warrant, and is incorporated herein by reference.

**Appendix A**

**Question 1 Debt Exclusion, G.L. Ch. 59, Sec. 21C (k)**

*"Shall the Town of Hamilton be allowed to exempt from the provisions of Proposition Two and One Half, so called, the amounts required to pay for the bond issued in order to fund the cost of designing, constructing, originally equipping and furnishing a new Public Safety Building?"*

Mr. Boghdan showed a brief video clip of the Police/Fire Station to residents. This was followed by some discussion from John Hale, John MacMillian, and Kalil Boghdan.

With no comments from residents, the Moderator reminded residents that this motion requires a 2/3rds vote, and called for the vote.

**VOICE VOTE: UNDECIDED**

Moderator called for a show of voter cards.

**CARD VOTE: MOTION PASSES**

**2/3<sup>rd</sup> MAJORITY DECLARED BY MODERATOR**

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**ARTICLE 2-7**

**Public Safety Building  
Bond Payment**

Moved by Kalil Boghdan, duly seconded, that the Town raise appropriate \$142,500 for payment in FY'06 of the principal and interest on a bond for a new Public Safety Building, contingent on the passage of a referendum question pursuant to G.L. Ch 59, Sect 21C(k) or otherwise, to fund the cost of designing, constructing, originally equipping and furnishing a new Public Safety Building; such referendum question to be voted upon by ballot at the Annual Town Election to be held on May 12, 2005 at the Winthrop School from 7 a.m. to 8 p.m.. The ballot question text is set forth in Appendix A, Question 1 of this Warrant, and is incorporated herein by reference.

**Appendix A**

**Question 1 Debt Exclusion, G.L. Ch. 59, Sec. 21C (k)**

*"Shall the Town of Hamilton be allowed to exempt from the provisions of Proposition Two and One Half, so called, the amounts required to pay for the bond issued in order to fund the cost of designing, constructing, originally equipping and furnishing a new Public Safety Building?"*

Mr. Boghdan explained that this motion authorizes the Town to pay for the first year of bond payments if Question 1 passes at the ballot on May 12, 2005.

With no discussion on the matter, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 2-8**

**School Operating  
Budget Override**

Moved by Elaine Carey, duly seconded, that the Town appropriate \$478,523 to be raised contingent upon the passage of a referendum question pursuant to G.L. c. 59, Sec. 21C(g), and also contingent upon the Town of Wenham appropriating its



**Question 2** proportionate share, for Hamilton's share of the operating budget of the Hamilton-Wenham Regional School District, as voted by the School Committee on March 31, 2005, such referendum question to be voted upon by ballot at the Annual Town Election to be held on May 12, 2005 at the Winthrop School from 7 a.m. to 8 p.m.. The ballot question text is set forth in Appendix A, Question 2 of this Warrant, and is incorporated herein by reference.

**Question 2 Levy Limit Override, G.L. Ch. 59, Sec. 21C (g)**

*"Shall the Town of Hamilton be allowed to assess an additional \$478,523 in real estate and personal property taxes for the purpose of funding Hamilton's apportioned share of the net operating cost of the Hamilton-Wenham Regional School District for the fiscal year beginning July 1, 2005?"*

Moderator recognized Marinel McGrath, Superintendent of Schools to present the school's request. Ms. McGrath detailed what she called the "Guiding Principles for Budget Development." Some discussion from residents ensued following her presentation.

Following this discussion the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 2-9** Moved by David Ketcham, duly seconded, that the Town approve the gross North Shore Regional operating and maintenance budget of the North Shore Regional Vocational School District School District and raise and appropriate [\$164,413] for the Town's assessed portion thereof.

Mr. Ketcham explained that the Regional School District has 14 students that attend North Shore Regional Vocational School District an attendance increase of 3.79%.

Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 2-10** Moved by Bill Bowler, duly seconded, that the Town appropriate \$60,000 to be Fire Department contingent upon the passage of a referendum question pursuant to G.L., Ch. 59, Capital Exclusion Sec. 21C (i ½), to replace a cab and chassis and related accessories and rebuild a Fire Department Squad Truck, such referendum question to be voted upon by Question 4 ballot at the Annual Town Election to be held on May 12, 2005 at the Winthrop School from 7:00 a.m. to 8:00 p.m.; the ballot question is set forth in Appendix A, Question 4, of this Warrant, and is incorporated herein by reference.

**Question 4 Capital Expenditure Exclusion, G.L. Ch. 59, Sec. 21C (i ½)**

*"Shall the Town of Hamilton be allowed to assess an additional \$60,000 in real estate and personal property taxes to replace a cab and chassis and related accessories and rebuild a Fire Department Squad Truck for the fiscal year beginning July 1, 2005?"*

Bill Bowler explained that these types of repairs are normally part of the budget, but with budget cuts, there isn't enough money for them.

Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 2-11** Moved by Bill Bowler, duly seconded, that the Town appropriate \$67,000 to be Department of Public contingent upon the passage of a referendum question pursuant to G.L., Ch. 59, Works Capital Exclusion Sec. 21C (i ½), to purchase a Department of Public Works Dump Truck and to Question 5 make improvements to the Department of Public Works Garage and Patton Park Garage, such referendum question to be voted upon by ballot at the Annual Town Election to be held on May 12, 2005 at the Winthrop School from 7:00 a.m. to 8:00 p.m.; the ballot question is set forth in Appendix A, Question 5, of this Warrant, and is incorporated herein by reference.

Question 5 Capital Expenditure Exclusion, G.L. Ch. 59, Sec. 21C (i 1/2)

*"Shall the Town of Hamilton be allowed to assess an additional \$67,000 in real estate and personal property taxes to purchase a Department of Public Works Dump Truck and to make improvements to the Department of Public Works Garage and Patton Park Garage, for the fiscal year beginning July 1, 2005?"*

Bill Bowler explained that these would normally be part of the budget, but with budget cuts, there isn't enough money for them.

The Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 2-12**

**Police Department  
Capital Exclusion  
Question 6**

Moved by Bill Bowler that the Town appropriate \$28,000 to be contingent upon the passage of a referendum question pursuant to G.L., Ch. 59, Sec. 21C (i 1/2), to purchase a Police Department cruiser, such referendum question to be voted upon by ballot at the Annual Town Election to be held on May 12, 2005 at the Winthrop School from 7:00 a.m. to 8:00 p.m.; the ballot question is set forth in Appendix A, Question 6, of this Warrant, and is incorporated herein by reference.

Question 6 Capital Expenditure Exclusion, G.L. Ch. 59, Sec. 21C (i 1/2)

*"Shall the Town of Hamilton be allowed to assess an additional \$28,000 in real estate and personal property taxes to purchase a Police Department cruiser for the fiscal year beginning July 1, 2005?"*

Bill Bowler explained that normally vehicle purchases are budgeted into the Police Department budget, but with cutbacks in recent years, this was no longer part of the budget.

The Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 2-13**

Moved by Laurie Wilson, duly seconded, that the Town authorize the transfer of Transfer of NESWC Funds \$133,848 plus interest from the Town's NESWC Account to the Town's general 2/3 majority vote required Stabilization Fund, or take any other action thereon or relative thereto.

The Moderator reminded residents that this motion requires a 2/3 majority. He then called for the vote.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**

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**SECTION 3: WATER DEPARTMENT**

**ARTICLE 3-1**

**Water Restriction  
By-law Amendment**

Moved by Bill Bowler, duly seconded that the Town amend Chapter XXV Water Use Restriction of the Town By-laws by adopting the language set forth in Appendix E to the Warrant Book for the 2005 Annual Town Meeting.

There being no discussion, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**

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**APPENDIX E - AMENDED VERSION**  
**CHAPTER XXV -- WATER USE RESTRICTION**

**SECTION 1. Definitions**

Person shall mean any individual, corporation, trust partnership or association, or other entity.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Board of Selectmen pursuant to Section 3 of this By-law.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

**SECTION 2. Water Ban**

The Town, through its Board of Selectmen, shall have the authority to regulate the use of a sprinkler, automatic or otherwise, during prescribed daylight hours in an effort to promote water conservation, without enacting a Declaration of a State of Water Supply Conservation under Section 3.

### **SECTION 3. Declaration of a State of Water Supply Conservation**

The Town, through its Board of Selectmen, may declare a State of Water Supply Conservation upon determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all consumers, to include fire fighting operations.

Public notice of a State of Water Conservation shall be given under Section 5 of this By-Law before it may be enforced.

### **SECTION 4. Restricted Water Uses**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 5.

A. Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd number days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

B. Outdoor Watering Ban: Outdoor watering is prohibited.

C. Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

D. Filling Swimming Pools: Filling of swimming pools is prohibited.

E. Outdoor Sprinkler Use: the use of lawn and garden sprinklers of all types, including the use of automatic sprinkler systems is prohibited. Hand watering is permitted.

### **SECTION 5. Public Notification of a State of Water Supply Conservation**

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, by mail, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under Section 4 shall not be effective until such notification is provided.

### **SECTION 6. Termination of a State of Water Supply Conservation - Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen, upon determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 5.

### **SECTION 7. State of Water Supply emergency**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued, no person shall violate any provision, restriction, requirement, condition intended to bring about an end to the State of Emergency.

### **SECTION 8. Penalties**

Any person violating this By-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

### **SECTION 9. Severability**

The invalidity of any portion or provision of this By-law shall not invalidate any other portion or provision thereof.

## **ORIGINAL BY-LAW CHAPTER XXV WATER USE RESTRICTION**

### **SECTION 1. Authority**

This By-law is adopted by the Town under its police powers to protect public health and welfare and its power under G.L. Ch.40, Sec. 21 et seq. And implements the Town's authority to regulate water use pursuant to G.L. Ch.41, Sec. 69B. This By-law also implements the Town's authority under G.L. Ch.40, Sec. 41A, conditioned upon a declaration of water supply emergency issued by the Massachusetts Department of Environmental Protection.

### **SECTION 2. Purpose**

The purpose of this By-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing the enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Massachusetts Department of Environmental Protection.

### **SECTION 3. Definitions**

Person shall mean any individual, corporation, trust partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Massachusetts Department of Environmental Protection Under G.L. Ch.21G, Sec. 15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Board of Selectmen pursuant to Section 4 of this By-law.

Water Users or Water Consumers shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

### **SECTION 4. Water Ban**

The Town, through its Board of Selectmen, shall have the authority to regulate the use of a sprinkler, automatic or otherwise, during prescribed daylight hours in an effort to promote water conservation, without enacting a Declaration of a State of Water Supply Conservation under Section 5.

### **SECTION 5. Declaration of a State of Water Supply Conservation**

The Town, through its Board of Selectmen, may declare a State of Water Supply Conservation upon determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an



adequate supply of water to all consumers, to include fire fighting operations and to ensure compliance with the Massachusetts Department of Environmental Protection's permitted and registered withdrawals. Public notice of a State of Water Conservation shall be given under Section 6 of this By-Law before it may be enforced.

#### **SECTION 6. Restricted Water Uses**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

A. Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd number days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

B. Outdoor Watering Ban: Outdoor watering is prohibited.

C. Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

D. Filling Swimming Pools: Filling of swimming pools is prohibited.

E. Outdoor Sprinkler Use: the use of lawn and garden sprinklers of all types, including the use of automatic sprinkler systems is prohibited. Hand watering is permitted.

#### **SECTION 7. Public Notification of a State of Water Supply Conservation**

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, by mail, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under Section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

#### **SECTION 8. Termination of a State of Water Supply Conservation - Notice**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen, upon determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 6.

#### **SECTION 9. State of Water Supply emergency - Compliance with DEP Orders**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirements, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

#### **SECTION 10. Penalties**

Any person violating this By-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

#### **SECTION 11. Severability**

The invalidity of any portion or provision of this By-law shall not invalidate any other portion or provision thereof.

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#### **Reports:**

The Moderator recognized Jim Bryant to give a report on the Long Range Financial Plan. Jim outlined the State Tax/Funding history and then explained where the tax base in Hamilton is located. He wrapped up with the Long Range Financial Planning Committee's suggestions for the future.

The Moderator recognized Rick Mitchell, Chairman of the Planning Board to give a Master Plan Update. Mr. Mitchell discussed the background and principles of the Master Plan. He then covered the Planning Board's recommendations for the next three years and next steps to be taken.

### **SECTION 4: MASTER PLAN ACTIONS**

#### **ARTICLE 4-1**

##### **Zoning By-law**

##### **Amendment Planned**

##### **Alternative Development**

Moved by Peter Twining, duly seconded, that the Town move to carry this motion over to another Town Meeting, allowing time for further study. The original motion was to amend the Zoning By-law, Section V. Use Regulations, by adding Section A.13 Planned Alternative Development by adopting the language set forth in Appendix F to the Warrant Book for the 2005 Annual Town Meeting, with the following changes:

On page 36 of the Warrant Book, paragraph 9.a should be changed to read: Limitation on PAD Applications and Special Permits. The Planning Board may issue PAD Master Plan Special Permits at a rate of one per calendar year. The Planning Board shall accept no more than two PAD Master Plan Special Permit applications during each calendar year.

On page 38 of the Warrant Book, add a small letter "e" before "Planning Board Decision."

On page 48 of the Warrant Book, add the following new paragraph: 17. Effective Date. This Planned Alternative Development By-law Section shall be effective as of January 1, 2006, provided that it has been approved by the Attorney General by that date.

Mr. Twining explained that while the Economic Development Committee had spent much time in laying out the groundwork for this by-law, they felt that more public input and consultation was necessary before bringing it before Town Meeting. Bill Gisness and Peter Gordeau, both of the Economic Development Committee each made a short presentation on the by-law and how it could impact the Town. Mr. Twining then asked residents and Committee members in attendance to take some time to comment on the by-law in its current form.

A heated discussion ensued for the next forty-five minutes in which residents and Committee members discussed the by-law's pros and cons before the discussion was brought to an end by the Moderator who announced that the meeting would not proceed beyond 11 o'clock.

The Moderator then reminded residents that this motion requires a 2/3rds vote.

**VOICE VOTE: MOTION PASSES, Declared by the Moderator  
(To Carry this Motion to a Future Town Meeting)**

## APPENDIX F

### SECTION V. USE REGULATIONS

#### A.13. Planned Alternative Development

1. **Purposes and Intent.** The purposes of Planned Alternative Development (PAD) are to:
  - a. Strengthen and expand Hamilton's tax base with development that minimizes service impacts on the Town.
  - b. Encourage master planning for large parcels through a flexible special permit process that emphasizes:
    - 1) Efficient use of land through compact form and site designs that are sensitive to existing topography and natural features,
    - 2) Preservation of agricultural land and the enhancement of the passive-use trails system in Hamilton,
    - 3) Preservation of open space and the rural road sides and sightlines, and
    - 4) Alternative development options for large parcels of land.
  - c. Create jobs in Hamilton and diversify the local economy.
  - d. Implement the goals of the Hamilton Master Plan.
2. **Applicability.** In the R-1a, R-1b and RA Districts, the Planning Board may grant a special permit for a PAD in accordance with the regulations herein and M.G.L. c.40A Sections 9 and 11. The special permit shall be known as a PAD Master Plan Special Permit. An applicant for a PAD Master Plan Special Permit is exempt from the requirement to apply for an Open Space Farmland Preservation Development (OSFPD) special permit under Section V.A.12.6 of this Bylaw.
3. **Relationship to Subdivision Control.** A subdivision plan is not required for a PAD, but an applicant who proposes a subdivision plan shall submit the same to the Planning Board in accordance with the Hamilton Subdivision Regulations following approval of a PAD Master Plan Special Permit.
4. **Uses.** A PAD may include one or more of the following uses, subject to the requirements of Table A attached hereto and approval of a PAD Master Plan Special Permit by the Planning Board:
  - a. **Residential Uses**
    - 1) Elderly housing
    - 2) Assisted living facility
    - 3) Townhouse dwelling, not to exceed six dwelling units per building.
    - 4) Multi-family dwelling, not to exceed twelve dwelling units per building
    - 5) Single-family detached dwelling
    - 6) Nursing home
    - 7) Continuing care retirement community
    - 8) Accessory uses customarily associated with a principal use, such as accessory retail, personal services, food service or recreational facilities primarily for the residents and employees of a PAD

b. Nonresidential Uses

- 1) Business or professional office
  - 2) Outpatient medical or dental office
  - 3) Health spa or fitness center
  - 4) Conference center, including accessory overnight accommodations incidental to a principal conference center use
  - 5) Conversion of an existing residence to a bed and breakfast or inn, not to exceed 25 rooms used for overnight accommodations
  - 6) Research and development, including incidental testing and assembly
  - 7) Public or private club
  - 8) Accessory uses customarily associated with a principal use, such as accessory retail, food service, recreational facilities or structured parking for the employees, occupants, guests or members of a PAD
- c. Open space and recreational uses
- 1) Outdoor recreation, such as a tennis facility, swimming facility, playground, park or playing fields
  - 2) Agricultural, equestrian or horticultural uses

5. Density and Dimensional Standards.

a. Minimum Tract Area and Frontage. The Planning Board may grant a PAD Master Plan Special Permit for any tract of ten acres or more in single or consolidated ownership or control at the time of the special permit application. Any tract of land to be developed as a PAD must meet the following minimum frontage requirement on a public way: 125 feet in the R-1a District and 175 feet in the R-1b or RA District.

b. Density and Intensity of Use. The PAD shall conform to the minimum dimensional, density and intensity of use regulations in Table A. The allowable gross floor area may be allocated to one or more of the uses permitted in a PAD, subject to any limitations contained in Table A and approval by the Planning Board. Lot dimensional regulations that normally apply to uses in the applicable zoning district under Section VI.B of this Bylaw shall not apply to uses in a PAD unless they are required in Table A.

c. Wetlands Limitation. Areas subject to the Wetlands Protection Act, M.G.L. c.131 Section 40 and the Town of Hamilton Bylaws Chapter 17, Conservation, for reasons other than being subject to flooding, shall constitute no more than 25% of the tract area used to determine the maximum allowable density, nor more than 50% of the common open space.

d. Conservation Restrictions. Areas subject to an existing conservation restriction under G.L. c.184, Sections 31-32, shall not be included in the tract area used to determine the maximum allowable density in a PAD.

e. Overlay Districts. Where any portion of a PAD is located in the Groundwater Protection (GP) Overlay District or the Conservancy (C) District and there is a conflict between the regulations of said districts and the regulations for a PAD, the more restrictive regulations shall apply to that portion of the site that is located in said districts.

f. Computation of Paved Surfaces. For purposes of a PAD Master Plan, land required for roads and parking may be estimated as 25% of the total tract area, and such land need not be deducted from the area used to determine maximum allowable density. For definitive plans, all density, lot area, parking and right-of-way calculations shall be exact calculations.

6. **Open Space in a PAD.** To qualify for a PAD Master Plan Special Permit, a PAD must provide usable, common open space that is permanently protected from future development and consistent with the purposes of this Bylaw and the goals of the Hamilton Master Plan. Minimum common open space requirements shall be as shown in Table A for the zoning district in which the PAD is located. Area in rear, side and front buffers shall count toward the minimum common open space requirement. Area used for common or shared wastewater disposal and area devoted to any permitted outdoor recreation use in Section 4 may count toward the minimum common open space requirement subject to approval by the Planning Board. Common open space shall be conveyed through one of the means provided for in M.G.L. c.40A, Section 9, subject to approval by the Planning Board.

7. PAD Principles and Objectives.

a. Design Process. The site design process for a PAD shall follow the design process for an Open Space Farmland Preservation Development (OSFPD) at Section V.12.7 of this Bylaw.

b. Design and Environmental Performance Standards. A PAD shall comply with the PAD Development Standards in Section 14 below.

c. Mix of Uses. An important purpose of PAD is to strengthen and diversify Hamilton's tax base and minimize its community service responsibilities. Accordingly, a PAD may include nonresidential uses subject to approval by the Planning Board in accordance with the special permit decision criteria in Section 9 and conformance to the Development Plan Review regulations in Section 10 below. When a proposed PAD includes nonresidential uses, they must be an integral part of the overall plan for the property and be compatible with all other uses in



the development.

- d. Public Uses. Passive recreation uses, public parks, playgrounds and playing fields, community recreation centers and other community buildings are encouraged in a PAD.
- e. Responsibility for Amenities, Services and Utilities. All uses in a PAD are subject to a requirement that the property owners, individually and/or through a legal association, shall be obligated for the development, operation, and maintenance of common wastewater disposal, vehicular and pedestrian circulation systems interior to the development.
- f. Purposes of Open Space. The common open space in a PAD shall serve the following purposes: to protect natural, agricultural and equestrian resources, including trails, to define the development envelope(s) on the site, to buffer the development from surrounding land uses and to separate different uses within the development.
- g. Roadways. In general, interior roads in a PAD shall be designed to applicable standards of Planning Board's Subdivision Rules and Regulations. Where appropriate, however, the Planning Board shall encourage flexibility in roadway design, length of cul-de-sac, steepness of grade, and construction standards based on the topography of the land and a policy preference for minimizing disturbance of the site.
- h. Pedestrian Circulation. Pedestrian, bicycle and equestrian pathways that wind through the common open space and connect development areas within the site are preferred over sidewalks. Where paths in the open space can appropriately take the place of sidewalks, the Planning Board may waive its usual sidewalk requirements.
- i. Affordable Housing. In a PAD that includes dwelling units as defined in the State Building Code, at least 15% of the units must be affordable to a low- or moderate-income household and meet the requirements of the Local Initiative Program for inclusion on the Chapter 40B Subsidized Housing Inventory. The affordable units shall be included in the PAD or provided by the applicant in the form of a fee paid in lieu of affordable units, subject to approval by the Planning Board. The fee shall be made as a cash payment to the Town's Affordable Housing Trust Fund. The cash payment per unit shall be in accordance with the following formula: two times an amount equal to 80% of area median income (AMI) for a family of four in the metropolitan or non-metropolitan area that includes the Town of Hamilton, as determined annually by the U.S. Department of Housing and Urban Development. Where the amount of affordable housing required to meet the minimum affordable housing requirement is not a whole number, it shall be rounded to the nearest whole number, the fraction of one half being rounded up to the next whole number.

#### 8. Application Process.

- a. Pre-Submission Conference. Prior to applying for a PAD Master Plan Special Permit, the applicant shall attend a pre-submission conference with the Planning Board to review the scope of the project and the site for which it is proposed. The purposes of the pre-submission conference are to provide an opportunity for the applicant to discuss the proposed PAD and the design process with local officials, and to consider a timetable for a formal application.
- b. PAD Master Plan Special Permit. To apply for a PAD Master Plan Special Permit, the applicant shall submit a master plan for the site to be developed in accordance with the requirements herein. Application and review procedures for a PAD Master Plan Special Permit shall be in accordance with Section 9 below and Section VIII.C of this Bylaw. After a PAD Master Plan Special Permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, no dredging or filling and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and approved as provided by these regulations.
- c. Definitive Submission. The Planning Board may grant a PAD Master Plan Special Permit based on information contained in the applicant's master plan submission. Thereafter, the applicant must prepare and file a definitive submission in accordance with Development Plan Review under Section 10 below, and where applicable, the Planning Board Subdivision Regulations.

#### 9. PAD Master Plan Special Permit.

- a. Limitation on PAD Applications and Special Permits. The Planning Board may issue PAD Master Plan Special Permits at a rate of one per calendar year. The Planning Board shall accept no more than two PAD Master Plan Special Permit applications during each calendar year.
- b. Submission Requirements. The special permit application for a PAD Master Plan shall comply with the requirements herein and with any applicable Planning Board rules and regulations. Prior to filing a PAD Master Plan Special Permit application, the applicant shall distribute one copy of the application package to each of the following town boards or departments: Building Inspector, Zoning Board of Appeals, Department of Public Works, Conservation Commission, Board of Health, Police Chief, Fire Chief, and Office on Disability. Certification that a copy of the application package was received by each such board or department shall be delivered to the Town Clerk and included in the PAD Master Plan Special Permit application submitted to the

Planning Board.

- c. Sources of Data. The PAD Master Plan may be prepared from the same sources of data used to prepare a special permit application for an Open Space and Farmland Preservation Development at Section V.A.12.6 of this Bylaw.
- d. Required Information. Plans and other information submitted for a PAD Master Plan Special Permit shall contain a level of detail consistent with a master plan perspective. The PAD Master Plan shall be a schematic representation of the proposed development, with sufficient detail about existing and proposed conditions to enable the Planning Board to understand what is being proposed and respond to the applicant's proposals in an informed manner. The Master Plan shall include scaled drawings prepared by a multidisciplinary team that includes a Registered Architect and a Registered Landscape Architect. At minimum, a PAD Master Plan shall provide all of the following information:
- 1) The entire area of land in the proposed PAD, including any adjacent land owned by the applicant and/or land under option to purchase agreement by the applicant within 300 feet of the site.
  - 2) The topography of the land to be developed at five-foot contours, vegetative cover, soil types, wetlands and water bodies, roads and ways, the general location, size and shape of structures to be removed and the actual location, size and shape of structures to remain, and generalized planting plans.
  - 3) The approximate delineation and estimated area within lots or areas that will be used for buildings and or lots or areas that are to remain as common open space.
  - 4) The general location, size, and intended use of all common open space or common facilities and the entity intended to own and/or maintain same.
  - 5) The general location and size of all proposed structures and parking lots, including a schedule of various land use types, the general location of all roads, pedestrian circulation systems, method of water supply, wastewater disposal, public utilities, and proposed methods of storm water management.
  - 6) Estimates of the land area devoted to different types of building or uses, and the proposed number of existing and new buildings and the approximate number of units in each, along with the approximate floor area ratio shall be specified for the total site, as delineated on the plan.
  - 7) A list of any bio hazardous, hazardous or toxic materials associated with any of the proposed uses in the PAD.
  - 8) Proposed architectural elevations for new construction, additions or alterations for all building included in the PAD.
  - 9) Estimates of vehicular trips generated by the proposed uses, determined in accordance with the most recent Trip Generation Manual published by the Institute of Traffic Engineers (ITE), and a preliminary analysis of the development's traffic impacts on adjacent roadways and nearby intersections. At its discretion, the Planning Board may require a traffic study based on the class of road served by the PAD and the proposed uses in the PAD.
  - 10) A schedule showing the anticipated times for which definitive plans and building permit applications will be submitted to the Town, which schedule may be subject to variation depending on the market.
  - 11) Sufficient detail of proposed built and natural features to enable the Planning Board to make the required determinations for a special permit.
  - 12) A written statement by the applicant explaining the rationale for the PAD and the proposed uses within it, including the public interests to be served and a statement of consistency with the purposes, principles and objectives of the PAD bylaw. The written statement shall also identify ways that the applicant's conceptual design accounts for requirements the project will have to meet under Development Plan Review, including the PAD Development Standards in Section 14 below.
  - 13) Proposed hours and days of operation.
  - 14) An estimate of water demand that will be generated by uses in the proposed PAD, and a preliminary analysis of impacts on the Town's public water system, surrounding private water supplies and the watershed, using existing, available sources of data.
  - 15) An analysis of the development's net fiscal impact on Hamilton, considering anticipated new real estate taxes and other revenue, together with new community service costs, when the development is completed and occupied. For projects to be constructed in phases, the fiscal impact analysis shall be reported by phase of construction.
- e. Planning Board Decision. Within 90 days following the date of the public hearing unless extended by written consent of the applicant in accordance with M.G.L. c.40A, Section 9, the Planning Board may grant a PAD

Master Plan Special Permit with any conditions, safeguards, and limitations it deems appropriate, or it may deny the special permit. The Planning Board's decision shall be based on the criteria listed below and the degree to which the development meets the purposes, principles and objectives of PAD. It shall be the applicant's burden to establish that the prerequisites for issuance of a PAD Master Plan Special Permit have been satisfied.

- 1) The proposed development's consistency with the use, density, dimensional and other regulations that apply to a PAD;
- 2) Net fiscal benefit to the Town of Hamilton, defined as the development's estimated property tax revenue minus its estimated cost of community services;
- 3) The degree to which the proposed use(s) or conceptual design does not create an undue safety or public health hazard that cannot be reasonably mitigated;
- 4) The degree to which the conceptual design and layout offers public amenities such as playing fields, public parks, enhancement of pedestrian or equestrian trail systems, or other public benefits;
- 5) The degree to which the conceptual design, layout and uses in the proposed PAD are superior to a conventional single-family home development in preserving natural, agricultural or equestrian features of the land, achieving more efficient provision of streets, utilities and other public services, and providing a high degree of design quality;
- 6) The degree to which the conceptual design, layout and uses preserve or enhance open space and roadside sightlines;
- 7) The degree to which the conceptual design, layout and uses do not create an undue intrusion upon adjacent properties in terms of community character, noise, light or other impacts that cannot be reasonably mitigated;
- 8) The degree to which the PAD furthers the goals and policies of the Hamilton Master Plan; and
- 9) The degree to which adequate capacity is available on affected streets to accommodate the proposed development, based on the analysis of traffic impacts submitted with the PAD Master Plan Special Permit application and any further analysis submitted to the Planning Board. The Planning Board shall determine whether vehicular traffic generated by the proposed development will unduly overburden any road serving the PAD or create an undue safety hazard on nearby roads or intersections. If a development is projected to cause a decrease in level of service (LOS) over existing conditions on affected streets, the Planning Board may impose conditions concerning mitigation to restore the LOS to the existing condition.

f. Effect of Special Permit Approval.

- 1) Approval of a PAD Master Plan Special Permit under this Bylaw shall not be considered approval of any construction. This approval is a preliminary approval, intended to give guidance to the applicant for preparing a development plan or a definitive subdivision plan, and to determine whether the applicant's submittal meets the objectives of this Bylaw.
- 2) The PAD Development Plan and, where applicable, the definitive subdivision plan, shall comply with all material aspects of the PAD Master Plan Special Permit, Development Plan Review and PAD Development Standards.

g. Duration of Special Permit. A PAD Master Plan Special Permit is granted for a period of two years from the date of its approval and shall lapse if substantial use or construction has not commenced by such date, except for good cause shown.

h. Appeals. Any person aggrieved by the Planning Board's PAD Master Plan Special Permit decision or by the Planning Board's failure to act within the specified timeframe may file an appeal under the provisions of M.G.L. c.40A Section 17.

10. Development Plan Review. No building permit shall be issued for a PAD until the applicant receives approval of a definitive submission and all applicable appeal periods have expired. The definitive submission may not be filed until the Planning Board has issued a PAD Master Plan Special Permit and the appeals period under M.G.L. c.40A Section 17 has expired. If a definitive submission requires approval under the Subdivision Control Law, the applicant shall submit a subdivision plan to the Planning Board in accordance with the Planning Board Subdivision Regulations. In all cases, a PAD shall be subject to Development Plan Review in accordance with the requirements herein. The Planning Board shall make every effort to coordinate subdivision review with Development Plan Review; given the differing review periods set by M.G.L. c.41 Sections 81K-81GG and the following Development Plan Review procedures.

a. Development Plan Review Authority. The PAD Development Plan shall be reviewed and acted upon by the Planning Board. Site plan review in accordance with Section VII.H of this Bylaw shall not apply to a PAD



Development Plan.

b. Procedures.

- 1) Prior to filing a PAD Development Plan application with the Planning Board, the applicant shall distribute one copy of the application package to each of the following town boards or departments: Building Inspector, Department of Public Works, Conservation Commission, Board of Health, Police Chief, Fire Chief, Office on Disability, Open Space Committee and Historic District Commission. For purposes of Development Plan Review, the town boards or departments listed herein shall be considered mandatory referrals. Certification that a copy of the application package was received by each such board or department shall be delivered to the Town Clerk and included in the PAD Development Plan application submitted to the Planning Board.
- 2) The Planning Board shall conduct a public hearing no later than 35 days following receipt of a complete submission.
- 3) Notice of the time, place and subject matter of the public hearing shall be in accordance with the provisions of M.G.L. c.40A, Section 11. Additionally, notice of the application, including a description of the project, date, time and location of the public hearing shall be posted prominently on the project site by the applicant. "Prominently" means a sign or signs of at least two feet by two feet in size and clearly visible from each roadway on which the property has frontage. The sign shall be white with black lettering, with large text at the top indicating "Public Hearing Notice."
- 4) The Planning Board shall solicit and receive comments from other boards or officials, including at minimum the mandatory referrals identified above. All such comments or reports shall be submitted to the Planning Board within thirty-five (35) days of receipt by the reviewing party. In the event that the public review meeting is held prior to the expiration of the 35-day period, the Planning Board shall continue the public hearing to permit the submission of reports and recommendations within that 35-day period.
- 5) The Planning Board may continue the public hearing as necessary within a 65-day review period in order to consider the PAD Development Plan application. Unless the Applicant agrees in writing to extend the review period, the Planning Board shall take one of the following actions within 65 days of the date of submission:
  - a) Approve the plan as submitted;
  - b) Approve the plan with conditions; or
  - c) Deny a plan that does not substantially comply with PAD Master Plan Special Permit. A denial shall be without prejudice. The applicant may resubmit a Development Plan for review if the Planning Board amends the PAD Master Plan Special Permit, at which time the Planning Board shall review the plan for conformance to the amended special permit and the regulations hereunder.
- 6) Within 15 days of its vote on the PAD Development Plan, the Planning Board shall file a copy of the Development Plan decision with the Town Clerk and the Building Inspector, and a copy shall be mailed or hand delivered to the applicant. Any person aggrieved by his or her inability to obtain site plan approval by the Planning Board or any final action by the Planning Board in connection with any site plan shall have the right to appeal to the Zoning Board of Appeals in accordance with the procedures set forth in G.L. c.40A, Section 8 and the Zoning Board of Appeals shall have the right to hear such appeals. The Building Inspector shall not issue any building permit, nor shall any site construction begin, without receipt of PAD Development Plan approval and expiration of the appeal period. Appeals of any action by the Building Inspector with respect to a building permit for a PAD may be made to the Board of Appeals within 30 days of the date of the applicable decision, as certified by the Town Clerk, in accordance with M.G.L. c.40A, Sections 8 and 15.
- 7) If no action is taken within 65 days of the date of submission, the PAD Development Plan application shall be deemed approved. In this case, the Building Inspector shall issue a Certificate of Constructive Approval and file such Certificate with the Town Clerk within 15 days of the Planning Board's failure to act. Appeals to the Certificate of Constructive Approval may be filed within 30 days of the date the decision was filed with the Town Clerk, as provided in M.G.L. c.40A, Sections 8 and 15. Upon expiration of the statutory appeal period without appeal, the Building Inspector may issue a building permit provided that all other applicable requirements of the Zoning Bylaw have been met.
- 8) One copy of the approved PAD Development Plan shall be provided to the applicant and the Building Inspector, and one copy shall remain with the Planning Board.

c. Submission Requirements. A PAD Development Plan application shall include the following materials unless the Planning Board agrees in writing to waive any materials not relevant to a proposed development.

- 1) Scale, elevations and locus map. The Development Plan shall include a site plan at a scale of one inch equals

forty feet (1"=40') or such other scale as the Planning Board may allow. Profiles of each individual street or service road shall be provided at a vertical scale not to exceed one inch equals four feet (1"=4'). Elevations shall refer to the bench mark or datum utilized. Sheet size shall be twenty-four by thirty-six (24 x 36) inches including a one-inch border. All plans shall be accompanied by a locus map at one (1) inch equals two thousand (2,000) feet.

- 2) Contents. The Development Plan shall include one or more appropriately scaled maps or drawings of the property, stamped by a Massachusetts Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, except that the water and wastewater portions of the site plan must be stamped by a Registered Professional Engineer. At minimum, the submittal shall include:
  - a) A narrative describing the nature and location of the project and the site, including a legal description of the property; complete dimensions and area; the zoning classification(s) that apply to the property; assessor's map and lot numbers; the proposed building or addition size with a breakdown of proposed use(s); a description of measures the applicant proposes to prevent soil erosion and storm water runoff during construction; estimated cost of all site improvements; projected public water demand, if any; projected number of employees, hours of operation and description of shifts, where applicable; projected parking spaces required for the development, based on proposed use(s) or number of employees, as applicable; the name and address of the property owner and the applicant, if different from the property owner; a description of the applicant's plans for ongoing site maintenance following project completion; and a discussion of how the proposed development furthers the goals of the Hamilton Master Plan.
  - b) A site plan that contains:
    - (1) A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the Registered Professional Engineer, Architect or Landscape Architect.
    - (2) North arrow and benchmarks used.
    - (3) Parcel lot lines, dimensions, area and zoning classification(s) for the PAD tract and abutting parcels.
    - (4) Location, footprint, height and use of all existing and proposed buildings or structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 300 feet of the site boundaries, walkways, service areas, parking spaces, loading areas, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities.
    - (5) Proposed surface treatment of paved areas and the location and design of drainage systems with drainage calculations prepared by a registered professional engineer.
    - (6) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods, noting applicable approvals, if received.
    - (7) Existing and proposed topographical contours of the property, taken at a minimum contour interval of two feet by a registered professional engineer or registered land surveyor.
    - (8) Vegetation, indicating areas of retained vegetation, the location of any trees of more than eight inches in diameter and specimen trees of more than four inches in diameter, both measured as diameter at breast height (dbh), including trees located in the road right of way, and other unique natural features.
    - (9) The location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, and the Town of Hamilton Wetlands Bylaw, Chapter 17, Conservation, or any successor statutes and bylaws thereto, including regulatory buffer zones or setbacks from resource areas, identified through field survey acceptable to the Conservation Commission; flood plain boundaries; and erosion control measures.
    - (10) Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.
    - (11) Lighting plan showing the location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.
    - (12) Landscaping plan showing the location, botanical and common names, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps,

paths and other walkways and or sidewalks. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices such as tree wells, tree walls, or specialized fill and pavement designs, shall be fully detailed on the landscape plan.

- (13) Location and description of all proposed open space.
  - (14) Location, height, elevation, interior and exterior dimensions and uses of all buildings or structures, both proposed and existing; location, number and area of floors; number and type of dwelling units; location of emergency exits, retaining walls, existing and proposed signs.
  - (15) A table of information showing how the plan conforms to PAD regulations and other applicable provisions of the Zoning Bylaw.
  - (16) Additional information that may be required by the Planning Board, as reasonably necessary, to make determinations required by this Bylaw.
- c) Analysis of environmental impacts. The applicant shall submit an analysis of existing and expected post-development environmental conditions, including but not limited to the use of best practices proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, conserve water, minimize noise levels, prevent harmful or noxious emissions, and damage or threat to wetlands and flood plain, and the visual environment. Potential smoke, odors, vibration and electromagnetic radiation shall be identified and addressed. Waste disposal and off-site environmental drainage impacts shall be discussed.
  - d) Analysis of traffic impacts. A traffic study shall be required for any PAD that generates more than 250 vehicle trips per day as determined by the most current edition of the Trip Generation Manual published by the Institute of Traffic Engineers (ITE), or for any PAD that includes nonresidential uses, unless a traffic study was previously submitted to and accepted by the Planning Board during the PAD Master Plan Special Permit process. The Planning Board may require the applicant to prepare a traffic study for a PAD that generates less than 250 vehicle trips per day if the site location, anticipated total trip generation, circulation patterns or other factors warrant a more extensive review of traffic impacts.
  - e) Draft legal documents, as applicable, to provide for common open space or facilities.
  - f) The PAD Development Plan application fee, in accordance with the Planning Board's regulations.

**d. Decision Criteria.**

- 1) The Planning Board shall approve a PAD Development Plan, with or without conditions, only upon finding that the proposed development:
  - a) Complies with the Planning Board's PAD Master Plan Special Permit, including any conditions specified therein;
  - b) Meets the PAD Development Standards in Section 14, as applicable;
  - c) Provides compatibility of buildings within the PAD and with adjacent properties, and compatibility of lighting and signs by virtue of their design, location, arrangement, and size;
  - d) Provides a visual and/or noise buffer between the applicant's property and adjoining land, considering the adequacy, type and arrangement of trees, shrubs and other landscaping, including maximum practical retention of existing vegetation;
  - e) Provides for convenience and safety of vehicular and pedestrian movement within the site and egressing from it, such as by the location of driveway openings in relation to traffic and/or adjacent streets and the placement, height and size of signage;
  - f) Provides adequate access to each building or structure for fire and service equipment;
  - g) Protects adjoining premises by providing adequate surface water drainage and sound or light barriers, by preserving natural light and air, and by preserving views whenever possible;
  - h) Meets the off-street parking requirements of the Zoning Bylaw and Table B in a manner that reduces the visual intrusion of parking areas viewed from public ways or abutting premises;
  - i) Protects and enhances significant natural or man-made features of the site, and surface and groundwater resources, from adverse effects of the development, if any;
  - j) Will not create a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, bio hazardous condition, hazardous or toxic



materials that cannot be reasonably mitigated;

- k) Will not create offensive noise; or vibration, flashes, objectionable effluent, or electrical interference, any of which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling and cannot be reasonably mitigated;
- l) Will not create an undue safety or public health hazard that cannot be reasonably mitigated; and
- m) Furthers the goals of the Hamilton Master Plan.

It shall be the applicant's burden to establish that the prerequisites for approval of a PAD Development Plan have been satisfied.

- 11. As-Built Plan.** Prior to the issuance of an occupancy permit or the release of a construction bond, an as-built plan and a letter of certification shall be submitted to the Building Inspector by a Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved PAD Development Plan. The as-built plan shall attest to the development's conformity to its approved plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives, and shall be prepared in accordance with the Planning Board's rules and regulations.

**12. Performance Guarantee.**

a. As a condition of PAD Development Plan approval, the Planning Board shall require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Committee, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The amount of security shall be 125% of the full cost of all site construction improvements as determined by an estimate from the applicant's engineer, which may be confirmed or increased by the Planning Board. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements.

b. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Planning Board within two years from the date of approval, or the final date of the last extension of such approval, if any.

- 13. Duration of Approval.** PAD Development Plan approval shall become void if substantial construction has not commenced within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in M.G.L. c.40A, Section 15, unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to completion. A request for extension of the date of completion must be submitted to the Planning Board in writing no less than 30 days prior to the date of expiration.

- 14. PAD Development Standards.** A PAD Development Plan will be reviewed for consistency with the following Development Standards. A standard expressed as "shall" is a requirement for any PAD unless the applicant demonstrates to the satisfaction of the Planning Board that strict compliance would render the development infeasible. A standard expressed as "should" indicates a local priority that the applicant is expected to meet through all commercially reasonable efforts.

**a. General Site Planning Standards.**

- 1) Access roads, off-street parking, sidewalks, pathways, buildings and lots in the proposed development should integrate with surrounding properties without undue safety problems or undue nuisance compared to a conventional single-family home development.
- 2) Overall layout and design should achieve a reasonable and appropriate relationship between the proposed development and the topography on the site, considering features that are important to the site, the surrounding area, or the Town as a whole.
- 3) Natural features such as topography, streams, mature trees or clusters of trees, slopes, natural drainage areas, views, vistas, and historic or archeological features should be treated as fixed determinants of road configuration and building envelopes rather than as elements that can be changed for a particular development scheme.
- 4) The development should make adequate provisions for public safety, protection from fire and flood, and maintenance of public facilities, streets, utilities, and open space.
- 5) Open Space Design.
  - a) Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should connect areas designated as common open space and where applicable, to adjoining public areas.
  - b) Large buffer areas of existing vegetation should be provided around building groupings and building

envelopes, thereby minimizing the amount of site clearing and grading required and preserving existing land cover and mature vegetation.

- c) Access to open spaces and recreation areas or facilities should be barrier-free to serve the physically handicapped, elderly, and children through the provision of accessible, pedestrian-oriented features such as walkways, outdoor sitting plazas, and drop-off areas.

**b. Environmental Standards**

- 1) Common open space requirements in a PAD shall be met first by protecting features of the environment which are unique or peculiar to the site and its context as identified in the OSFPD design process as set forth in Section 7(a) of this PAD bylaw. These features include species or complexes of flora or fauna or their habitats, areas of strong scenic quality, soils, geology and topography. Interruption of ecologically significant systems such as trails to food, water or wildlife habitats should be avoided or kept to a minimum. Maintenance of common open space or facilities and reserved land shall include specific provisions to protect the natural environment as it exists.
- 2) Trees and shrubs already existing on the site should be preserved to the greatest extent feasible. The criteria for judging the feasibility of retaining existing vegetation shall be determined in accordance with rules and regulations adopted by the Planning Board.
- 3) New plantings shall consist of non-invasive species.
- 4) All slopes in excess of fifteen (15%) percent and any unstable soils, trees and rocks shall be protected against erosion and runoff. The applicant shall take reasonable and appropriate measures to stabilize the land surface from unnecessary disruption.
- 5) The storm water management system shall comply with the Massachusetts Department of Environmental Protection (DEP) Storm Water Management Policy as most recently amended. Surface water runoff from structures and impervious surfaces shall be collected on site, but in no case shall surface water drainage be directed across sidewalks or public or private ways. In general, a PAD should use non-structural storm water management techniques wherever possible, e.g., swales or vegetated draining channels, and other techniques that reduce impervious surface, facilitate infiltration and allow for adequate settling of suspended solids, incorporating best management practices to prevent non-point source pollution.
- 6) A PAD shall not adversely affect groundwater resources. All systems which deliver or may discharge water into the ground shall be adequate to treat the water and to monitor treatment so as to meet any and all applicable effluent standards of the Board of Health or DEP, as applicable, in light of the particular structure, its proposed use and the soil and groundwater conditions of the proposed site.
- 7) A PAD shall be designed to conserve water for domestic consumption and for lawn and landscaping maintenance.
- 8) Where practical and appropriate, site and buildings in a PAD should incorporate Leadership in Energy and Environmental Design (LEED) sustainability standards approved by the U.S. Green Building Council, and, where practical and appropriate, comply with low-impact development regulations, policies or guidelines of DEP.

**c. Signage, Lighting and Landscaping**

- 1) Signage should be of size and height appropriate for identification and safety in relation to the proposed development, considering use intensity, buffers and setbacks, and shall comply with Section VI.E of this Bylaw.
- 2) The development should provide adequate illumination of parking lots and other areas for vehicular and pedestrian circulation. No freestanding illumination devices shall be installed to a height exceeding 15 feet. Lighting should not unreasonably interfere with the use and enjoyment of property within a PAD or in surrounding areas. Outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security should be employed wherever possible.
- 3) The scale and nature of landscaping materials should be appropriate to the size of the structures in a PAD, the available space and growth characteristics of proposed plantings. Materials shall be located to avoid interference with overhead or underground utilities and utility easements or vehicular and pedestrian movement and visibility.
- 4) Plant materials should be selected to achieve their intended purpose, such as shade, screening, or ornamentation. When located within 20 feet of any road, parking lot or other paved area, plant materials shall consist of species recognized by the nursery, horticulture and botanical industries as being tolerant of roadway deicing salts.

- 5) Plantings should be arranged in relation to buildings to promote energy conservation wherever practicable. For example, tall deciduous trees might be placed to provide shade from the summer sun and evergreens might be concentrated where they will dissipate the effect of winter winds.
- 6) Parking lots shall be landscaped with landscaped islands and screened with landscaping along the perimeter in accordance with Table B.
- 7) The entity that owns and is legally responsible for common open space and common facilities in a PAD shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises. Plant material not in healthy condition shall be replaced or nursed to restore good health, and shall be kept free of refuse and debris. In addition, fences, walls, and other barriers shall be maintained in good repair. Failure to install or to maintain all landscaping shown on the approved Development Plan shall be a violation of this Bylaw.

**d. Building Placement.** To the extent reasonable and practical, a PAD should:

- 1) Preserve attractive views, especially from the vantage point of major roadways and adjacent or nearby residential neighborhoods.
- 2) Avoid regular spacings and building placements that will be viewed as continuous walls from important vantage points.
- 3) Avoid the placement of structures, common area facilities, and private space related to individual units in a manner that eclipses views or access to open space areas.
- 4) Locate taller buildings away from public ways existing prior to the development and abutting residential areas existing prior to the development.
- 5) Orient structures toward the street or access road serving the premises, not toward parking areas.

**e. Building Design.** To the extent reasonable and practical, the design of buildings in a PAD should:

- 1) Provide human-scale features, especially at lower levels.
- 2) Avoid unarticulated and monotonous building facades and window placement.
- 3) Incorporate materials and building treatments that reduce the visibility of the buildings from distant vantage points and are compatible with backgrounds and surroundings.
- 4) Incorporate materials and colors compatible with other quality buildings of similar scale in the vicinity.
- 5) Provide variety in building heights and varied roofline articulation that stresses New England vernacular architecture.

**f. Circulation, Parking and Public Safety.**

- 1) All areas designed for vehicular use shall be surfaced in accordance with current Town standards.
- 2) Walkways and bicycle paths should link buildings with parking areas, recreation facilities and, where applicable, adjacent public land. For pedestrian safety, all pedestrian walkways that cross or extend along the perimeter of any parking area shall be composed of a visually distinctive raised, textured or color-treated surface.
- 3) Parking shall be provided in accordance with Table B.
- 4) Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not unduly interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
- 5) All roadway and driveway designs shall take into consideration safe sight distances at intersections and along all traveled ways, as determined by the Hamilton Public Works Department. Clear sight distances shall take into account topography, density of dwelling units or intensity of use, and horizontal and vertical alignment. The applicant shall use all appropriate, commercially reasonable measures to achieve adequate clear sight distance without removing obstructions that have scenic, natural or historical significance as determined by the PAD Master Plan Special Permit.
- 6) A PAD shall be designed to include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles. In the case of uses adjacent to large amounts of forested areas, the design shall also consider fire breaks and trail access. The adequacy of the foregoing public safety measures shall be to the reasonable satisfaction of the Hamilton Police Chief and Fire Chief, as applicable.

**g. Other Requirements**

- 1) All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical,



telephone and cable lines shall, whenever practicable, be placed underground.

- 2) Exposed storage areas, machinery, solid waste dumpsters, recyclable storage, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets. All dumpsters shall be covered at all times (except when being emptied or filled) and shall be located in designated areas and where feasible, shared by uses within a PAD.

- 3) All lots in a PAD shall contain a reference in the title to a requirement that circulation systems and drainage areas shall remain in private ownership in perpetuity.

15. **Expiration.** This section of the Bylaw shall expire on December 31, 2013, unless town meeting approves an extension by a two-thirds vote on or before May 31, 2013. If town meeting does not approve an extension, any PAD Master Plan Special Permit application filed prior to May 31, 2013 may nonetheless be acted upon by the Planning Board.

16. **Severability.** If any portion of this Bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

17. **Effective Date.** This planned Alternative Development By-law Section shall be effective as of January 1, 2006, provided that it has been approved by the Attorney General by that date.

TABLE A: PAD DENSITY AND DIMENSIONAL REQUIREMENTS			
I. Site Location and Overall Density Requirements	R-1a	R-1b	RA
Minimum Tract Size-	10 acres	10 acres	10 acres
Maximum Gross Floor Area Ratio (FAR)	0.50	0.40	0.35
Maximum Building Coverage (1)	25%	20%	15%
Maximum Site Coverage (1)	60%	55%	50%
Minimum Area in Common Open Space (% of tract) (2)	25%	35%	50%
Minimum Width of Buffers (feet)			
Rear	50	75	100
Side	50	75	100
Front buffer on major streets (3)	75	100	100
Front buffer on other streets (3)	100	125	125
II. Interior Development Requirements (4)			
<i>Residential Uses</i>			
Minimum Building Setbacks (feet)			
Front (from interior street)	20	25	40
Side (5)	35-50	35-50	35-50
Rear	40	50	50
Maximum Building Height (6)			
Single-family dwellings or townhouses	35 feet 2.5 stories	35 feet 2.5 stories	35 feet 2.5 stories
All other residential uses	40 feet 3 stories	40 feet 3 stories	40 feet 3 stories
Maximum Allowable Percentage of Gross Floor Area			
Single-family detached dwellings not subject to age restrictions	See (7)	See (7)	See (7)
All other residential uses	See (7)	See (7)	See (7)
<i>Nonresidential Uses</i>			
Minimum Building Setbacks (feet)			
Front (from interior street)	N/A	20	20
Side	30 feet	30 feet	50 feet
Rear	50	50	50
Maximum Building Height (6)	40 feet 3 stories	40 feet 3 stories	40 feet 3 stories
Maximum Front Setback (feet) (8)	20	40	40

1. Building coverage includes that portion of the PAD site that is rendered impervious by buildings, including accessory buildings. Site coverage includes all buildings, roadways, parking and other impervious surfaces in the PAD.
2. The minimum common open space requirement refers to open space that serves PAD principles and objectives as described in Sections 6 and 7 of this Bylaw. In its discretion, the Planning Board may reduce the minimum common open space requirement for a PAD that includes an outdoor recreation use permitted under Section 4, or it may count all or a portion of the area in an outdoor recreation use toward the minimum common open space requirement.

3. Front buffer requirements in Table A apply only to streets existing at the time of the application for the PAD Master Plan Special Permit. The Planning Board may approve a reduction in the width of buffers to no less than a 50-foot buffer from existing major or other streets. Exception shall be made when a PAD includes lots for detached single-family dwellings on an existing street, in which case the PAD front buffer shall not apply; instead, such lots shall conform to the front yard setback requirements of the applicable zoning district, and there shall be a buffer of at least 50 feet between the lots and the interior development in a PAD in order to achieve visual compatibility with surrounding residential areas. The front yard buffer from major or other streets may be permeated to create new internal ways or new ways to connect a PAD to existing public roads. Any buffer may be permeated for utility easements, agricultural or recreational uses, cart paths, emergency access or property maintenance, or for vehicular access to serve principal uses. Buffers from major and other streets shall be measured as the required distance from the right-of-way line. These provisions may be subject to limitation by the Planning Board's PAD Master Plan Special Permit.
4. The lot dimensional regulations in Section VI.B shall not apply to interior uses in a PAD. The maximum allowable density of a PAD shall be determined in accordance with Table A. For a PAD that involves a subdivision, dimensional requirements for interior lots in a PAD shall be as set forth in the Planning Board's special permit.
5. The minimum side yard setback between clusters of townhouses or multi-family buildings shall normally be 50 feet unless reduced by the Planning Board. Detached single-family dwellings are subject to a side yard setback of 35 feet or the average height of adjacent dwellings, whichever is greater. Side yard setback shall be waived when necessary to accommodate zero lot line design, e.g., common-wall units or townhouses.
6. In its discretion, the Planning Board may authorize an increase in building height to a maximum of four stories and 50 feet, considering the topography of the site, the visibility of buildings to surrounding properties and from distant vantage points, the quality and desirability of architectural design, and the potential to accommodate the proposed FAR by reducing building coverage through an increase in building height. However, the building height limitations established in Table A shall not apply to spires, domes, steeples, radio or telecommunications towers, chimneys, bulkheads, cooling towers, ventilators and other appurtenances usually carried above the roof, or to farm buildings, provided that if the use requires a permit, one has been granted.
7. No more than 15% of the gross floor area in a mixed-use PAD may be used for residential uses that are not elderly housing, assisted living facility, nursing home or continuing care facility. For this calculation, accessory uses customarily associated with a principal use are considered part of the principal use. In addition, the total number of non-age restricted single-family detached dwellings may not exceed 50% of the number that could be developed in a conventional subdivision plan as determined by a Yield Analysis under Section V.A.12.6 of this Bylaw.
8. Maximum front setback for nonresidential uses applies to internal lots and roadways.

TABLE B: OFF-STREET PARKING REQUIREMENTS IN A PAD(1)	
Use Category	Minimum Number of Parking Spaces
<i>Residential Uses</i>	
Elderly (over-55) housing	1.5 spaces per unit, plus an additional 25% for visitor parking
Assisted living facility	0.5 space per unit 1 additional space per employee on the largest shift
Nursing home or convalescent care facility	1 parking space for each two 2 beds 1 additional space per employee on the largest shift
Continuing care retirement facility	To be determined by uses within the facility in accordance with the above requirements.
All other dwellings	In accordance with Section VI.D of this Bylaw
<i>Non-Residential Uses</i>	
Business or professional office	3 spaces per 1,000 square feet gross floor area Adequate spaces for delivery vehicles
Medical or dental office	4 spaces per 1,000 square feet gross floor area Adequate space for delivery vehicles
Health and fitness center or spa, or private club	1 space per 4 persons based on building capacity determined in accordance with State Building Code 1 additional space per employee on the largest shift
Conference center and accessory hotel or overnight accommodations; bed and breakfast or inn	1 space for each room accommodation 1 space for each 2 employees Adequate spaces for delivery vehicles
Research and development, related testing and assembly	The greater of 1 space per 1,000 square feet of gross floor area or 1 space per 2 employees Adequate spaces for loading and delivery

(1) Subject to Section VI.D of this Bylaw except as modified by the following PAD Off-Street Parking Design Standards:

1. Parking lots shall be located to the side or rear of buildings in a PAD. No parking shall be located in front of buildings or along the access roads or streets interior to a PAD.
2. Parking spaces shall not be less than nine feet wide by 19 deep in size for angle and 90° parking, and 22 feet for parallel parking. Aisles within the parking areas shall not be less than 18 feet in width.
3. Accessible parking spaces shall be in accordance with the State Building Code and Regulations of the Massachusetts Architectural Access Board.
4. All parking spaces shall be clearly marked.
5. Landscaped Islands.
  - a. Any parking lot having more than one access aisle shall have landscaped islands within the parking lot. The landscaped islands shall constitute not less than six percent of the interior of such parking lot. Landscaping required for yards, setbacks, or buffers adjacent to a parking lot shall not be included toward satisfying this requirement.
  - b. Landscaped islands with concrete curbs and at least one hundred thirty square feet of area shall be provided every twenty spaces or less within a row of spaces.
  - c. Islands shall be utilized where needed to control vehicular circulation and define major drives.
  - d. Landscape islands shall serve a functional purpose for storm water infiltration and evapotranspiration, and they should be used whenever possible to reduce runoff, increase groundwater recharge, and increase screening and shade with trees.
6. Perimeter Landscaping. The perimeter of all parking lots shall provide plantings suitable for screening. Landscape treatments around the perimeter of the parking shall also be used to manage storm water, to the extent feasible.
7. Reserve Parking.
  - a. Under Development Plan Review, the Planning Board may authorize a decrease in the number of parking spaces required in Table C, provided that:
    1. The decrease in the number of parking spaces is no more than twenty-five percent (25%) of the total number of spaces required under Table C. The waived parking spaces shall not be used for building area. The waived spaces shall be labeled as "Reserved Parking" on the PAD Development Plan.
    2. Any such decrease in the number of parking spaces shall be based upon documentation of the special nature of a use of a building.
    3. The parking spaces labeled "Reserve Parking" on the PAD Development Plan shall be properly designed as an integral part of the overall parking development and in no case located within buffer areas along the perimeter of the site.
    4. The decrease in the number of required spaces will not create undue congestion or traffic hazards. Such relief may be granted without substantial detriment to abutting properties and without derogating from the intent and purpose of these Off-Street Parking regulations.
    5. In the opinion of the Planning Board, allowing less stringent conformance with Table C will in no way avoid the purposes of Development Plan Review.
  - b. If, after the issuance of a certificate of occupancy, the Planning Board finds that all or any of the increased reserved spaces are needed, the Planning Board may require that all or any portion of the spaces identified as increased reserve spaces on the PAD Development Plan be constructed within a reasonable time period. A written notice of such a decision shall be sent to the applicant or owners within seven days before the matter is next discussed at a Planning Board meeting.

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#### ARTICLE 4-2

Zoning By-law

Amendments Planned

Alternative Development  
Definitions

2/3 vote required

Moved by Peter Twining, duly seconded that the Town carry this motion to a future Town Meeting. The original motion was to amend Section VII.

Definitions, of the Zoning By-law by adding and deleting definitions in

conformity with the adoption of the section of the Zoning By-law by adopting - the language set forth in Appendix G to the Warrant Book for the 2005 Annual Town Meeting.



The Moderator reminded residents that this motion requires a 2/3rds vote.

**VOICE VOTE: MOTION PASSES,**  
**Declared by the Moderator**  
**(To Carry this Motion to a Future Town Meeting)**

## APPENDIX G

### SECTION VII: DEFINITIONS

Gross Floor Area: The sum of the floor areas of the spaces within the building including basements, mezzanine and intermediate-floored tiers, and penthouses with headroom height of 7.5 ft or greater. It is measured from the exterior faces of exterior walls or from the centerline of walls separating buildings, but excluding covered walkways, open roofed-over areas, porches and similar spaces, pipe trenches, exterior terraces or steps, chimneys, roof overhangs, and similar features. Gross floor area does not include residential garages, unfinished basements and attics.

Assisted Living Facility One or more dwellings, regardless of structural type (single-family, two-family, multifamily) which are structurally configured to serve the elderly and contain no more than two bedrooms; and for which there is publicly-enforceable assurance that each resident household will consist of persons at least 55 years old or persons with disabilities; and for which there is contract assurance of support services, such as meals, housekeeping, social services, health services or transportation.

Continuing Care Retirement Community A managed development that provides housing, services and nursing care to persons over 55 years of age; and which includes independent living units, assisted living units, nursing home accommodations, and accessory medical, support services, food services, and recreational uses; and for which there is a legal agreement that assures life care to residents and support services appropriate to each type of housing.

\*\*\*\*\*

The Moderator recessed the meeting at 11:14 PM until Tuesday, May 3, 2005 at 7:30PM at the Hamilton-Wenham Regional High School.

A TRUE COPY: ATTEST:

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Jane M. Wetson, Town Clerk

TOWN OF HAMILTON  
ANNUAL TOWN MEETING

Adjourned Session  
Held  
Tuesday, May 3, 2005  
At  
Hamilton-Wenham Regional High School

Moderator declared a quorum being present (150) and the Warrant returned showing it had been properly served, opened the Adjourned session of the 212<sup>th</sup> Annual Town Meeting at 8:15 P.M. with 163 registered voters checked and present.

Precinct 1 - 76  
Precinct 2 - 42  
Precinct 3 - 45

Moderator appointed the Assistant Moderator who has been duly sworn.  
Robert Poole -- 56B Moynihan Road

Tellers have been appointed by the Moderator and duly sworn.

James "Jay" Burnham	--	20 North Street
Dave Shaughnessy	--	66 Woodland Mead
Arthur Crosbie	--	215 Linden Street
Donald Herdeg	--	37 Howard Street
Christopher Lapointe	--	21 Mill Street
Betsy Hopkins	--	82 Blueberry Lane

We have set up the cafeteria across the hall as overflow space. There is a closed circuit television set in the cafeteria and two tellers. All other non-registered visitors must be seated in the visitors' area.

Another procedural note, we record these proceedings so as to have an accurate record of the meeting. Therefore, unless I recognize you by name, please use the microphones provided and give your name and address when you arise to address the moderator. People in the cafeteria desiring to speak to any article should contact one of the tellers and arrange to be brought to the microphones in the auditorium.

All registered voters have been given a distinctive voter ID card when checking into the meeting. Do not lose or destroy this card. You will need to show the card on any counted vote. If you cannot show the card, your vote may not be counted.

**SECTION 4: MASTER PLAN ACTIONS CONTINUED FROM MAY 2, 2005**

**ARTICLE 4-3** Moved by David Carey, duly seconded that the Town amend the Zoning By-law, Zoning By-law Amendment Section VI. Development Regulations by adding Section G. *Inclusionary* Inclusionary Housing Housing by adopting the language set forth in Appendix H to the Warrant Book 2/3rd Majority Vote for the 2005 Annual Town Meeting.  
Required

Moderator recognizes David Carey to speak to the motion. Mr. Carey explained to residents what affordable housing constitutes, of why Hamilton should take the inclusionary approach, and what this by-law does.

After some discussion, the Moderator reminded residents that this motion requires a 2/3rds vote, and called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

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## APPENDIX H

### Section VI. Development Regulations-New Section G: Inclusionary Housing

#### G. Inclusionary Housing

1. Purposes and Intent. The purposes of the Inclusionary Housing Bylaw are to:
  - a. Produce high-quality dwelling units affordable to low- or moderate-income households.
  - b. Encourage more housing choices in Hamilton.
  - c. Promote geographic distribution of affordable housing units throughout the town and avoid over-concentration.
  - d. Assist the Town in creating units eligible for the Chapter 40B Subsidized Housing Inventory through means other than a comprehensive permit.
2. Definitions. For purposes of this section of the Bylaw, the following terms shall have the following meanings:
  - a. Affordable Housing Trust Fund: A fund account established and operated by the Town for the exclusive purpose of creating or preserving affordable housing opportunities in the Town of Hamilton.
  - b. Affordable Housing Unit: A dwelling, or a unit in an assisted living facility or congregate residence, that is affordable to and occupied by a low- or moderate-income household and meets the requirements of the Local Initiative Program for inclusion on the Chapter 40B Subsidized Housing Inventory.
  - c. Affordable Housing Restriction: A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Hamilton, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. An affordable housing restriction shall be enforceable under the applicable provisions of G.L. c.184, as amended, and be approved by the Department of Housing and Community Development through the Local Initiative Program.
  - d. Local Initiative Program: A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing.
  - e. Low- or Moderate-Income Household: A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Hamilton as determined annually by the United States Department of Housing and Urban Development (HUD).
  - f. Maximum Affordable Purchase Price or Rent: A selling price or monthly rent that does not exceed the maximum allowable purchase price or rent guidelines of the Local Initiative Program.
  - g. Qualified Purchaser: A low- or moderate-income household that purchases and occupies an affordable housing unit as its principal residence.
  - h. Qualified Renter: A low or moderate-income household that rents and occupies an affordable housing unit as a tenant.
  - i. Subsidized Housing Inventory: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory.
3. Applicability.
  - a. This Bylaw applies to all developments involving the creation of ten (10) or more dwelling units or ten (10) or more lots for residential use.
  - b. Developments may not be segmented to avoid compliance with this section of the Bylaw. Divisions of land that would cumulatively result in an increase by ten or more residential lots or dwelling units above the number existing on any parcel or any contiguous parcels in common ownership twenty-four months earlier are subject to Inclusionary Housing requirements. For purposes of this section, a division of land shall mean any division of land subject to G.L. c. 41, Sections 81K-81GG.
4. Mandatory Provision of Affordable Housing Units. In any development subject to this section of the Bylaw, the tenth housing unit and every seventh unit thereafter shall be an affordable housing unit. Nothing in this section shall preclude a developer from providing more affordable housing units than required hereunder.
5. Methods of Providing Affordable Housing Units. The Planning Board may approve one or more of the following methods, or any combination thereof, for the provision of affordable housing units:
  - a. The affordable housing units may be constructed or rehabilitated on the locus of the development.
  - b. The affordable housing units may be constructed or rehabilitated on a locus different from that of the development. The Planning Board may allow a developer of non-rental dwelling units to develop, construct or otherwise provide affordable units reasonably equivalent to those required by this section of the Bylaw in an off-site location in the Town of Hamilton. All requirements that apply to on-site provision of affordable units shall apply to provision of off-site affordable units. In addition, the location of the off-site units shall be approved by the Planning Board as an integral element of the development review and approval process.
  - c. A donation of land may be made in lieu of providing affordable housing units. An applicant may offer, and the Planning Board may accept, subject to approval of the Board of Selectmen, donations of land in fee simple, on- or off-site, that the Planning Board determines are suitable for the construction of an equivalent number of affordable housing units. Land donated for this purpose shall be subject to a restriction assuring its use for affordable housing. Prior to accepting land as satisfaction of the requirements of this section of the Bylaw, the Planning Board may require the applicant to submit an appraisal or other data relevant to the determination of suitability for an equivalent number of affordable housing units.



- d. An equivalent fee in lieu of units may be made. The Planning Board may allow a developer of non-rental dwelling units to make a cash payment to the Town through its Affordable Housing Trust Fund for each affordable unit required by Section 4. The cash payment per unit shall be in accordance with the following formula: two times an amount equal to 80% of area median income (AMI) for a family of four in the metropolitan or non-metropolitan area that includes the Town of Hamilton, as determined annually by the U.S. Department of Housing and Urban Development.

#### 6. General Provisions

- a. The Planning Board shall be charged with administering this section of the Bylaw and shall promulgate Inclusionary Housing Rules and Regulations, including but not limited to submission requirements and procedures, application and review fees, minimum requirements for a marketing plan, and documentation required by the Town to qualify the affordable housing units for listing on the Chapter 40B Subsidized Housing Inventory.
- b. Affordable dwelling units shall be dispersed throughout the building(s) in a development and shall be comparable to market housing units in terms of location, quality and character, room size, bedroom distribution, and external appearance.
- c. The selection of qualified purchasers or qualified renters shall be carried out under a marketing plan approved by the Planning Board and comply with Local Initiative Program guidelines. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen.
- d. Developers may sell affordable units to the Town of Hamilton, the Hamilton Housing Authority, or to any non-profit housing development organization that serves the Town of Hamilton, in order that such entity may carry out the steps needed to market the affordable housing units and manage the choice of buyers.
- e. Developers shall be responsible for preparing applications and other documentation required by DHCD to assure that the affordable housing units are eligible for listing on the Chapter 40B Subsidized Housing Inventory.

#### 7. Timing of Construction

- a. Unless a different schedule is approved by the Planning Board, affordable housing units shall be provided in proportion to the development of market-rate units, but in no event shall the construction of affordable units, the payment of fees in lieu of constructing affordable units, or the provision of off-site affordable units be delayed beyond the schedule below. Fractions shall be rounded to the nearest whole number.

% Building Permits Issues for Market-Rate Units	% Affordable Units (Building Permits, Fees, Off-Site Units or Land, as applicable)
Up to 29%	None required
30%	At least 10%
50%	At least 30%
70%	At least 50%
85%	At least 70%
90%	100%

- b. A Certificate of Occupancy for an affordable housing unit shall not be issued until the applicant submits evidence to the Building Inspector that an affordable housing restriction or a regulatory agreement for the project has been approved by the Planning Board.

#### 8. Preservation of Affordability; Restrictions on Resale

- a. An affordable housing unit created in accordance with this section of the Bylaw shall be subject to an affordable housing restriction or regulatory agreement that contains limitations on use, resale and rents. The affordable housing restriction or regulatory agreement shall meet the requirements of the Town and the Local Initiative Program, and shall be in force for the maximum period allowed by law.
- b. The affordable housing restriction or regulatory agreement shall be enforceable under the applicable provisions of G.L. c.184, as amended.
- c. The Planning Board shall require that the applicant comply with the mandatory provision of affordable housing units and accompanying restrictions on affordability, including the execution of the affordable housing restriction or regulatory agreement.
- d. All documents necessary to ensure compliance with this section of the Bylaw shall be subject to the review and approval of the Planning Board and, as applicable, Town Counsel. Such documents shall be executed prior to and as a condition of the issuance of any Certificate of Occupancy.

- 9. Severability. If any portion of this Bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

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#### ARTICLE 4-4

Moved by Rick Mitchell, duly seconded, that the Town amend the Zoning By-Zoning By-law Amendment law by deleting Section VIII.D. (Common Driveway Permit) in its entirety, and Amendments in Conformity by deleting the text of Section VIII.C (Planning Board Acting as Special Permit

Requires 2/3rd Vote

Granting Authority and replacing that section with the following:

**"Planning Board Acting as Review Authority"**

The Planning Board shall act as the Special Permit Granting Authority (SPGA) for certain Special Permits as specified in this bylaw, as authorized under M.G.L., Ch. 40A, Sec. 1A and 9 and as the reviewing authority under the following sections of this bylaw: Section V.A.12.17, Open Space and Farmland Preservation Development; and Section VI.G.6., Inclusionary Housing [include only if motion for Article 4-3 passed]. The Planning Board may require the applicant to pay a review fee to cover the reasonable costs of consultants engaged by the Board to assist in review of the proposed plans or documents, as authorized and limited by M.G.L. Ch. 44, Sec. 53G and Sec. IX.H. of this Zoning Bylaw."

After some discussion from residents and Town Officials, the Moderator reminded residents that this motion requires a 2/3rds vote. He then called for the vote.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**

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**ARTICLE 4-5**

Community Preservation  
Committee By-law  
Question 3

Moved by Chris Davis, duly seconded, that subject to acceptance of G.L. c. 44B, §§ 3-7 by the voters at the 2005 Annual Town Election [Question 3] pursuant to a citizens' petition under G.L. c. 44B, § 3(h), the Town enact a general by-law, to be known as Chapter XXVII of the Town of Hamilton By-Laws, to establish a Community Preservation Committee to act under G.L. c. 44B, § 5 and determine the number of persons on said committee, their method of selection and term of office, all in accordance with the Massachusetts Community Preservation Act by adopting the language set forth in Appendix J to the Warrant Book for the 2005 Annual Town Meeting.

Chris Davis explained to residents the role of the Community Preservation Act (CPA) in other communities, the way that it would impact the average taxpayer, and how the funds raised could be used. There are three areas money can be spent: affordable housing, open space, and recreation land. Mr. Davis also explained that residents earning below eighty percent of the median income would be eligible for a tax abatement. If the CPA passes at the ballot, a committee would be formed with one member from each of the following boards: Conservation Commission, Historical Commission, Planning Board, Recreation Board, and Housing Authority. There would also be four members appointed by the selectmen. This committee would then make recommendations to Town Meeting each year for spending the funds.

Cora Sanders, a resident of Baker Avenue, suggested the four selectmen appointees be elected by voters, with at least one member coming from each precinct. Chris Davis responded that this could be looked into as a possibility. Joanne Patton and Peter Dana both voiced their support for the CPA.

With no further discussion, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**APPENDIX J**

**COMMUNITY PRESERVATION COMMITTEE BY-LAW**

**CHAPTER XXVII**

**COMMUNITY PRESERVATION COMMITTEE**

**Section 1 - Establishment, Membership, Terms**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to G.L. c. 44B, the Community Preservation Act. The Committee shall act pursuant to G.L. c. 44B, § 5. The composition of the committee, the method of selecting its members, and each member's length of term is as follows:

One member of the Conservation Commission as designated by the Conservation Commission for a term of three years.

One member of the Historical Commission as designated by the Historical Commission for an initial term of one year and thereafter for a term of three years.

One member of the Planning Board as designated by the Planning Board for a term of three years.

One member of the Board of Selectmen, acting in its capacity as the Board of Park Commissioners, as designated by the Board of Selectmen for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Housing Authority for an initial term of one year and thereafter for a term of three years.

Four citizens at large to be appointed by the Board of Selectmen for initial terms of two years and thereafter each for a term of three years.

Any member who serves as a representative of an appointing committee who ceases during his or her term to be a member of the appointing committee shall also cease to be a member of the Community Preservation Committee. Any member may be removed with or without cause by the appointing committee. Any vacancy during the pendency of a term shall be filled by the appointing committee for the remainder of the term. Members may be eligible for reappointment.

Should any of the Commissions, Boards, or Committees who have appointment authority under this by-law chapter be no longer in existence for any reason, the appointment authority for that Commission, Board, or Committee shall devolve upon the persons acting in the capacity of or performing the duties of the former Commission, Board or Committee. If there are no such persons acting in the capacity of or performing the duties of any such Commission, Board, or Committee, then the appointment shall be the responsibility of the Board of Selectmen.

All initial appointments shall be made within twenty days of the effective date of this by-law. Thereafter, all vacancies, whether at the end of a member's term or otherwise, shall be filled within twenty days of the creation of the vacancy. ~~If any appointing authority fails to fill the vacancy within the allotted time, the Board of Selectmen shall make the appointment. (Delete per the attorney General)~~

#### Section 2 - Duties

1. The Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to the Conservation Commission, the Historical Commission, the Planning Board, the Board of Selectmen in its capacity as the Board of Park Commissioners, the Housing Authority and the Open Space Committee, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

2. The Committee shall make recommendations to the town meeting for the: acquisition, creation and preservation of open space pursuant to Article XCVII of the Constitution of the Commonwealth and the Hamilton Open Space Plan prepared pursuant to M.G.L.A. c.40 sec. 8C; for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this by-law. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3. The Committee may include in its recommendation to the town meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation. Recommendations for the expenditure of funds shall include the Committee's anticipated administrative and operating expenses.

\*\*\*\*\*

**ARTICLE 4-6** Moved by Peter Britton, duly seconded, that the town establish an Agricultural Commission to represent the Hamilton farming community. Said Commission shall serve as facilitators for encouraging the pursuit of agriculture in the town, shall promote agricultural-based economic opportunities, shall assist in resolving conflicts involving agriculture, and shall participate in educating the community on the benefits of local agriculture. For the purpose of this Commission, farming will include commercial enterprises involving food production, livestock (including horses), composting, plant and nursery stock, forestry, and agricultural activities directly related to such activities such as beekeeping.

The Commission will consist of two members from the active farming community of Hamilton, and three who are interested in agriculture but are not necessarily commercial farmers, appointed by the Board of Selectmen. Commission member terms shall be three years, except the initial Commission shall consist of two members with three year terms, two members with two year terms, and one member with a one year term. Up to three alternates may also be appointed by the Board of Selectmen, each for one-year terms.



Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**SECTION 5: OTHER APPROPRIATIONS AND ACTIONS**

**ARTICLE 5-1**

**Petition to the Legislature  
re Chebacco Woods  
Encroachment  
2/3rd vote required**

Moved by Bob Bullivant, duly seconded, that the Town transfer from the Conservation Commission for conservation purposes to the Board of Selectmen for purposes of conveyance the parcel shown as Parcel B containing 20,008 s.f. more or less on a plan entitled "Plan of Land in Hamilton and Wenham, MA" made by Hancock Associates for Patrick A. Daly & Kathleen B. O'Brien, which plan is on file with the Town Clerk, said conveyance to be at no cost to the Town

and upon such terms and conditions as the Board of Selectmen shall determine to be appropriate; and further to authorize the Board of Selectmen to petition the Legislature to approve the transfer of deeds to and from Patrick A. Daly & Kathleen B. O'Brien and necessary adjustments to conservation restrictions to cure an inadvertent encroachment onto Chebacco Woods pursuant to the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objective of this petition; and further to authorize the Board of Selectmen to acquire from Patrick A. Daly & Kathleen B. O'Brien the parcel known as Parcel A containing 40,016 s.f more or less on a plan entitled "Plan of Land in Hamilton and Wenham, MA", made by Hancock Associates for Patrick A. Daly & Kathleen B. O'Brien, for incorporation into the Chebacco Woods conservation land under the joint ownership of the Towns of Manchester-by-the-Sea and Hamilton, Massachusetts; and further to authorize the Board of Selectmen to make the conveyances described herein and authorize the Board of Selectmen and the Conservation Commission to amend any conservation restrictions that are affected by these changes to reflect the new boundaries.

With no discussion from residents, the Moderator reminded residents that this motion requires a 2/3rd vote. He then called for the vote.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**

\*\*\*\*\*

**ARTICLE 5-2**

**Central Avenue Land  
2/3rd vote required**

Moved by Bob Bullivant, duly seconded, that the Town authorize the Selectmen to sell, develop or restrict a parcel of Town-owned land on Central Avenue, identified as Assessor's Map 47, Lot 85, for the purpose of benefiting or developing affordable housing perMGL Ch. 40B, on such terms and conditions as the Selectmen shall determine to be appropriate.

Mr. Bullivant told residents that during last year's Annual Town Meeting, the Town voted to acquire a parcel of land from the Boston and Maine Railroad in lieu of taxes owed. The selectmen would now like to either develop the property for affordable housing, or sell the land and put the money raised in an affordable housing trust fund. At the conclusion of his comments, he asked for any townspeople's comments.

William Boesch of 12 Gifford Road urged those in attendance to reject this proposal citing the already cramped conditions in the neighborhood, and the need to disperse affordable housing throughout the Town.

Steven Hoggard of 302 Asbury Street suggested that the Selectmen earn some goodwill with neighborhood residents and townspeople by created a park on that land to replace the one that was taken to form the current affordable housing development in the neighborhood. He expressed his frustration that the neighborhood is being closed in, and stated that the needs and concerns of the community were not taken into account when the first 40B development was put in, so why would they be now? He also said the plan is not fair, right, or moral.

John Saunders of 33 Baker Avenue, who is blind, rose to address his concerns with the development. He stated that since the existing affordable housing development on Central Street was constructed, the traffic in the neighborhood has greatly increased. The streets are narrow, and have no sidewalks, making walking treacherous for him. He too urged residents not to approve this measure.

Bob Howell, of 9 Central Avenue also spoke and urged residents to reject his proposal.

Peter Clark, of the Planning Board, voiced his frustration with the idea, and the fact that Town boards and committees have not been consulted. He reminded the selectmen that the Town has frontage and setback regulations that would not be met by this property and said the property should be classified unbuildable.

Bill Bowler, Chairman of the Selectmen tried to respond to some resident concerns. He spoke of the need for more affordable housing in Town, saying that if the Town controlled an affordable housing development, it would have more power than if a developer came in. He also said that this property was acquired with the intent of using it for affordable housing, and that by allowing this process to go forward, the Town would be on their way to avoiding an "unfriendly 40B" development, which he called the worst kind of development.

Laurie Wilson, of the Finance Committee said that right now the Town's main focus needs to be on raising funds. She said this proposal is based on actions taken at last year's Town Meeting.

Carol Davis, of 6 Partridgeberry Lane stated that this is an oddly sized piece of land, and she wondered what its actual value would be. She also asked why the parcel must be developed as a 40B development. Bill Bowler replied that in order to qualify towards the Town's 10% affordable housing, it must be classified as a 40B.

Marc Johnson, of 6 Patton Drive, suggested that the selectmen create a "neighborhood acquisition plan" so that residents could purchase the land and use it as they saw fit and the selectmen could put the funds raised in an affordable housing account.

Tom Rogers, of 173 Sagamore Street asked what was owed in taxes on the parcel, and what the parcel is worth.

Bill Bowler said that the railroad owed \$53,000 in taxes, and the land is valued at \$113,000.

Peter Twining, of 31 Woodbury Street called for the vote. There being no objections, the Moderator reminded residents that this motion requires a 2/3 vote. He then called for the vote.

**VOICE VOTE: UNDECIDED**

Moderator called for a show of voter cards.

**CARD VOTE: MOTION PASSES**

**2/3<sup>rd</sup> MAJORITY DECLARED BY MODERATOR**

\*\*\*\*\*

**ARTICLE 5-3**  
**Public Access**

Moved by Bob Bullivant, duly seconded, that the Town authorize the Board of Selectmen, in their capacity as cable television license issuing authority, to establish a non-profit, charitable Public Access Corporation or other lawful cable access and technology designee, for the public purpose of promoting public, educational and government access community programming and for the purpose of receiving cable company cable license payments made to the Town for public, educational and governmental access purposes, as customary for Public Access Corporations. Bob Bullivant explained that a studio will be installed at the Old Library and funded through Comcast. The Town signed a ten year agreement with Comcast for the housing and running of the station.

With no discussion, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

**ARTICLE 5-4**  
**Funding Local Access**  
**Corporation and Expend**  
**Funds for Municipal**  
**Technology Purposes**

Moved by Bob Bullivant, duly seconded, that the Town accept \$96,658.18 plus other payments from franchise license fees paid to the Town by the cable franchisee and restricted by and payable pursuant to the cable franchise, and any interest generated by said funds, in a gifts and grants account, as required by the cable franchise, for local cable purposes including the general public purpose of supporting and promoting public access to the cable system, training in use of access equipment and facilities, access to community and municipal meeting coverage and institutional network access facilities, including transfer of said funds to a local, non-profit, charitable Public Access Corporation or cable technology designee as may be designated by the Board of Selectmen in their capacity as license issuing authority; and further to accept any other payments from cable franchisees under the terms of their contracts with the Town.

Bob Bullivant said that this was the first payment by Comcast for the Public Access station.

With no discussion, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

**ARTICLE 5-5**  
**Support for Public**  
**Employees in the**  
**Armed Forces**

Moved by Bob Bullivant, duly seconded, that the Town accept the provisions of Chapter 137 of the Acts of 2003, an act relative to public employees in the Armed Forces of the United States.

Bob Bullivant said that this measure with pay Town Employees who are in the United States Armed Forces if they are called up to Active Duty a portion of their salary.

With no discussion, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

**ARTICLE 5-6**  
**The Hamilton Fund**

Moved by Heather Ford, duly seconded, that the Town authorize the Board of Selectmen to establish a municipal board to be known as The Hamilton Fund, or like name, for the purpose of providing assistance to Town residents in need on an urgent or emergency basis, or who are experiencing difficult financial periods, by accepting and expending grants or gifts of funds or property to be used for such purposes, which board shall be appointed by the Board of Selectmen, upon such terms and conditions as may be adopted by the Board of Selectmen, and further to authorize the transfer of funds from the Maxwell Norman Trust for expenditure by the board for the stated purposes.

Heather Ford explained that this fund will provide help to residents who have short-term, urgent needs. The group will work with existing community organizations such as churches

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

**SECTION 6: CLOSING FINANCIAL ACTIONS**

Moved by Laurie Wilson, duly seconded, that the Town appropriate and authorize the Assessors to use [\$256,452] of available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2005.

With no discussion, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

**ADJOURNMENT:** Moderator: This Annual Town Meeting is recessed until May 12, 2005 at 7 o'clock p.m. at the Winthrop School.

**A TRUE COPY: ATTEST:**

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Jane M. Wetson, Town Clerk



# TOWN OF HAMILTON

## Annual Town Election Held

Thursday, May 12, 2005

At

Winthrop School, Hamilton, MA

At the close of Voter Registration on April 12, 2005 there were 5,310 registered voters.

The polls were opened at 7:00 AM by Moderator Bruce Ramsey.

	Prec. 1	Prec. 2	Prec. 3	Totals
Democrat	344	346	200	890
Green Party USA	0	0	1	1
Green-Rainbow	4	1	2	7
Inter. 3rd Party	4	4	2	10
Libertarian	11	5	6	22
Reform	1	0	1	2
Republican	389	423	528	1340
Unenrolled	1237	1034	767	3038
Total of Registered Voters	1990	1813	1507	5310
Ballots Cast	836	810	513	2159

Candidate Name	Prec. 1	Prec. 2	Prec. 3	Totals
Moderator				
Blanks	193	153	83	429
Bruce C. Ramsey	642	654	428	1724
Write-ins	1	3	2	6

### Selectman 3 years

Blanks	99	87	49	235
William F. Bowler	490	567	353	1410
Nicholas J. Sartell	246	153	108	507
Write-ins	1	3	3	7

### Town Clerk 3 years

Blanks	140	141	85	366
Jane M. Wetson	695	669	427	1791
Write-ins	1	0	1	2

**Board of Assessors 3 years**

Blanks	207	190	114	511
Robert H. Trussell	628	618	398	1644
Write-ins	1	2	1	4

**Planning Board 5 years**

Blanks	766	749	462	1977
David Santomenna	27	36	22	85
Write-ins	43	25	29	97

**Planning Board (4 years to fill unexpired term)**

Blanks	331	263	154	748
Dorothy Stookey	504	544	355	1403
Write-ins	3	3	4	10

**Housing Authority 5 years**

Blanks	808	785	504	2097
Clarence N. Trepanier	6	0	0	6
Write-ins	22	25	9	56

**H-W Public Library Trustee  
3 years**

Blanks	272	200	120	592
Joanne L. Ridinger	551	606	385	1542
Write-ins	4	4	8	16

0

**H-W Public Library Trustee (2 years to fill unexpired)**

Blanks	811	765	484	2060
Madelyn C. Liberti	18	18	14	50
Write-ins	7	27	15	49

**H-W Regional School  
Committee Vote 3 (3yrs)**

Blanks	1096	886	496	2478
Richard L. Boroff	467	505	344	1316
Catherine A. Harrison	479	513	349	1341
William F. Martin	467	522	344	1333
Write-ins	0	4	6	10

**H-W School Committee**

Richard L. Boroff	1316	341		1657
-------------------	------	-----	--	------

Catherine A. Harrison	1341	360		1701
William F. Martin	1333	351		1684
Blanks	2478	475		2953
Write-ins	10	6		16

#### Ballot Question #1 Public Safety Building

Debt Exclusion, G.L. Ch. 59, Sec. 21C(k)

"Shall the Town of Hamilton be allowed to exempt from the provisions of Proposition Two and One Half, so called the amounts required to pay for the bond issued in order to fund the cost of designing, constructing, originally equipping and furnishing a new Public Safety Building?"

Blanks	14	20	10	44
YES	445	439	291	1175
NO	377	351	212	940

#### Ballot Question #2 School Override

Levy Limit Override, G.L. Ch. 59, Sec. 21C(g)

"Shall the Town of Hamilton be allowed to assess an additional \$478,523 in real estate and personal property taxes for the purpose of funding Hamilton's apportioned share of the net operating cost of the Hamilton-Wenham Regional School District for the fiscal year beginning July 1, 2005?"

Blanks	15	14	3	32
YES	340	434	282	1056
NO	481	362	228	1071

#### Ballot Question #3 CPA

##### Question 3 Community Preservation Act Ballot Question

"Shall Hamilton accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as proposed by a petition signed by at least five percent of the registered voters of Hamilton, a summary of which appears below?"

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to enable cities and towns to (1) acquire, create and preserve open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, marshes, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire, create and preserve historic resources, and (3) meet local community housing needs.

In Hamilton, the funding source for these community preservation purposes will be a surcharge of 2% on the annual property tax assessed on real property effective July 1, 2005, and annual distributions made by the state from a trust fund created by the Act. If approved, the following will be exempt from the surcharge: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act; (2) \$100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

A Community Preservation Committee will be established by by-law to study community preservation resources, possibilities and needs and to make annual recommendations to town meeting on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space (excluding land for recreational use), (2) historic resources, and (3) community housing.



Blanks	36	32	17	85
YES	400	473	300	1173
NO	400	305	196	901

**Ballot Question #4 Fire Truck Repair**

**Capital Expenditure Exclusion, G.L. Ch. 59, Sec. 21C(i 1/2)**

"Shall the Town of Hamilton be allowed to assess an additional \$60,000 in real estate and personal property taxes to replace a cab and chassis and related accessories and rebuild a Fire Department Squad Truck for the fiscal year beginning July 1, 2005?"

Blanks	27	17	8	52
YES	490	528	327	1345
NO	319	265	178	762

**Ballot Question #5 DPW Garage**

**Capital Expenditure Exclusion, G.L. Ch. 59, Sec. 21C(i 1/2)**

"Shall the Town of Hamilton be allowed to assess an additional \$67,000 in real estate and personal property taxes to purchase a Department of Public Works Dump Truck and to make improvements to the Department of Public Works Garage and Patton Park Garage, for the fiscal year beginning July 1, 2005?"

Blanks	30	20	13	63
YES	426	440	287	1153
NO	380	350	213	943

**Ballot Question #6 Police Cruiser**

**Capital Expenditure Exclusion, G.L. Ch. 59, Sec. 21C(i 1/2)**

"Shall the Town of Hamilton be allowed to assess an additional \$28,000 in real estate and personal property taxes to purchase a Police Department cruiser for the fiscal year beginning July 1, 2005?"

Blanks	21	17	5	43
YES	421	460	304	1185
NO	394	333	204	931

Polls closed at 8:00 PM. Results were announced by Moderator Bruce Ramsey at 9:40 PM.

**A TRUE COPY: ATTEST:**

\_\_\_\_\_  
Jane M. Wetson, Town Clerk

TOWN OF HAMILTON

Special Town Meeting  
Held

June 21, 2005

At

Hamilton-Wenham Regional High School

Moderator declared a quorum being present (150) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 7:50 P.M. with 271 registered voters checked and present.

Moderator asked all to rise for the Pledge of Allegiance.

At the close of registration on June 10, 2005, there were 5,387 registered voters.

Precinct 1 - 2,024

Precinct 2 - 1,835

Precinct 3 - 1,528

Tellers have been appointed by the Moderator and duly sworn.

Head teller Robert Poole 56B Moynihan Road

Walter Meibaum -- 3 Whipple Road

David Carey -- 8 Arabian Way

Douglas Sanders -- 432 Bridge Street

Daniel Gaquin -- 45 Bridge Street

Kalil Boghdan -- 12 School Street

Joseph Butler -- 78 Old Cart Road

I have asked non-resident members of those assisting the Selectmen or Finance Committee to be present here so they may be available to answer questions. Members of the press [and the video crew] have also been allowed to be present. I remind those allowed here to do nothing which may influence the counting of a vote.

All other non-registered visitors must be seated in the visitors area to my left at the rear of the theater.

Another procedural note, we record these proceedings so as to have an accurate record of the meeting. Therefore, unless I recognize you by name, please use the microphones provided and give your name and address when you arise to address the Moderator.

**ARTICLE 1** Moved by Elaine Carey, Chairman Hamilton-Wenham School Committee, duly School Operating Budget seconded, that the Town approve the budget, as voted by the School Committee Override Question 1 on May 24, 2005, and raise and appropriate \$478,532 for Hamilton's share of the operating budget of the Hamilton-Wenham Regional School District for the fiscal year beginning July 1, 2005, said sum to be raised contingent upon the passage of a referendum question pursuant to G.L. c. 59, Sec. 21C(g), and also contingent upon the Town of Wenham appropriating its proportionate share.

Moderator recognized Marinell McGrath, Superintendent of Schools to present the school's request.

After a little discussion, the Moderator called for the vote.

VOICE VOTE: MOTION PASSES

***Ballot Question #1 Levy Limit Override, G.L. Ch. 59, Sec. 21C(g)***

*"Shall the Town of Hamilton be allowed to assess an additional \$478,523 in real estate and personal property taxes for the purpose of funding Hamilton's apportioned share of the net operating cost of the Hamilton-Wenham Regional School District for the fiscal year beginning July 1, 2005?"*

\*\*\*\*\*

Moderator: You are advised that voting on the referendum question will take place by ballot at the Special Town Election to be held on June 29, 2005 at the Winthrop School from 7 a.m. to 8 p.m.

**ADJOURNMENT**

Moderator: This Special Town Meeting is recessed until June 29, 2005 at 7'oclock am at the Winthrop School.

**A TRUE COPY: ATTEST:**

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Jane M. Wetson, Town Clerk



TOWN OF HAMILTON

Special Town Election  
Held

Wednesday, June 29, 2005

At

Winthrop School, Hamilton, MA

The polls were opened at 7:00 AM by Registrar Edward Seaver. At the close of Voter Registration on June 10, 2005, there were 5,387 registered voters.

	Precinct 1	Precinct 2	Precinct 3	TOTAL
Democrat	347	348	201	896
Green Party USA	0	0	1	1
Green-Rainbow	4	1	2	7
Inter. 3rd Party	4	4	2	10
Libertarian	11	5	7	23
Reform	1	0	1	2
Republican	399	425	537	1361
Unenrolled	1258	1052	777	3087
Totals	2024	1835	1528	5387

There were 2,071 votes cast as follows:

Precinct 1 -- 751

Precinct 2 -- 807

Precinct 3 -- 513

**Ballot Question #1** School Override Levy Limit Override, G.L. Ch. 59, Sec. 21C (g)

"Shall the Town of Hamilton be allowed to assess an additional \$478,523 in real estate and personal property taxes for the purpose of funding Hamilton's apportioned share of the net operating cost of the Hamilton-Wenham Regional School District for the fiscal year beginning July 1, 2005?"

	Precinct 1	Precinct 2	Precinct 3	Total
Blanks				
YES	349	448	311	1108
NO	402	359	202	963

The polls were closed at 8:00 pm and the results were announced at 8:15 pm the results were announced by Bruce Ramsey.

A TRUE COPY: ATTEST:

---

Jane M. Wetson, Town Clerk

**TOWN OF HAMILTON**

**Special Town Meeting  
Held**

**October 17, 2005**

**At**

**Hamilton-Wenham Regional High School**

At 8:20 PM, the Moderator Bruce Ramsey declared the meeting adjourned due to lack of quorum until Monday, October 24, 2005 at 7:30 PM, at the Hamilton-Wenham Regional High School.

**A TRUE COPY: ATTEST:**

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**Jane M. Wetson, Town Clerk**

TOWN OF HAMILTON

Special Town Meeting

Held

October 17, 2005

At

Hamilton-Wenham Regional High School

ADJOURNED SESSION

Held

October 24, 2005

At

Hamilton-Wenham Regional High School

Moderator Bruce Ramsey declared a quorum being present (150) and the Warrant returned showing it had been properly served, this special town meeting, constituting the regular fall town meeting, of the Town of Hamilton is now open at 7:40 PM with 177 registered voters checked and present.

Precinct 1 -- 77

Precinct 2 -- 57

Precinct 3 -- 43

At the close of voter registration on October 6, 2005 there were 5,458 voters.

Precinct 1 -- 2,027

Precinct 2 -- 1,851

Precinct 3 -- 1,580

Tellers appointed by the Moderator and duly sworn were:

Captain of the tellers Robert Poole 56B Moynihan Road

Peter Connors	--	85 Village Lane
Walter Meibaum	--	3 Whipple Road
Arthur Crosbie	--	215 Linden Street
David Kerr	--	244 Echo Cove Road
Daniel Gaquin	--	45 Rock Maple Avenue
Elaine Appel	--	81 Linden Street

Moderator asked all to stand and led the Pledge of Allegiance.

I have asked non-resident members and those assisting the Selectmen or Finance Committee to be present here so they may be available to answer questions. Members of the press [and the video crew] have also been allowed to be present. I remind those allowed here to do nothing which may influence the counting of a vote.

All other non-registered visitors must be seated in the visitors area to my left at the rear of the theater.

Another procedural note, we record these proceedings so as to have an accurate record of the meeting. Therefore, unless I recognize you by name, please use the microphones provided and give your name and address when you arise to address the moderator.

Announcements or other:

Moderator recognized Laurie Wilson, Chairman of the Finance and Advisory Committee to speak on the Worksheet handout.



# SPECIAL TOWN MEETING OF 10/24/05 WORKSHEET

What financial actions are we voting on tonight?

How do we fund those additional appropriations?

## 1. Increases to the Operating Budget:

Article 2 - Collective bargaining contracts	26,136
Article 3 - Salary Increase for non union personnel	28,036
Article 5 - Additional fuel, utilities, snow plowing	25,000
Article 11 - Landscaping for World War II Memorial	<u>10,000</u>
	89,172

Funding sources: from cherry sheet	26,144
From free cash, Article 12	<u>63,028</u>
	89,172

## 2. Increase the Stabilization Fund, Article 4

Funding source: transfer of NESWC reimbursement	<u>314,621</u>
New Balance	505,534

## 3. Reduce the tax Rate

Funding source: from regional school district, Article 1	49,760
From free cash, Article 12	<u>50,240</u>
	100,000

## CHERRY STREET

An official notification from the State (originally printed on cherry-colored paper), which itemizes State Aid due to communities, as well as State and County charges assessed to communities.

Received in July	832,783
Budgeted in May	<u>-806,639</u>
Additional aid Received	26,144

Regional School District received additional aid in July as well with \$ 70,000 returned to the two towns. Expected to Hamilton: 49,760

## RESERVE FUND

An amount set aside annually within the budget of a Town, not to exceed 5% of the tax levy for the preceding year. Transfers from this fund are within the exclusive control of the Finance and Advisory Committee and are for "extraordinary and unforeseen expenditures"

Appropriated at May Town Meeting	100,000
Transfers to date	5,000
Balance as of 09/30/05	<u>95,000</u>
Additional appropriation for fuel, utilities, plowing	25,000
New Balance for FY 2006	120,000

## FREE CASH

Free cash is a community's unrestricted available funds that may be used as a funding source for appropriations. Free cash is generated when actual revenue collections exceeds budgeted estimates and when actual expenditures are less than budgeted appropriations, or a combination of both.

Certified Free Cash balance as of 9/22/05	255,294
Costs of Articles	63,028
To Lower Tax Rate	<u>50,240</u>
Balance remaining for FY 2007	142,026

## STABILIZATION FUND

A fund designed to accumulate funds for capital and other future spending purposes. A community may appropriate in any year an amount not exceeding 10 % of the tax levy of the proceeding year for the purpose of funding the Stabilization Fund. Amounts from this fund may be appropriated by a two-thirds vote, at a Town Meeting, for any lawful purpose.

Stabilization Fund balance as of 9/30/05	190,913
Transfer of NESWC reimbursement	<u>314,621</u>
New balance would be	505,534

\*\*\*\*\*

**ARTICLE 1**  
**Reduction of H-W**  
**Regional School**  
**District Appropriation**

Moved by Selectmen William Bowler, duly seconded that the Town reduce the appropriation for the Town's assessed portion of the Hamilton-Wenham Regional School District's budget for FY '06 by \$49,760.00 and further to appropriate and authorize the Assessors to use the \$49,760.00 to reduce the tax rate for the Fiscal Year beginning July 1, 2005.

Selectmen Bowler explained that the schools received more state aid than expected and are giving some back to the town to lower the tax rate. The Selectmen are very grateful.

Moderator called for a vote.

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

**ARTICLE 2**  
**Collective Bargaining**  
**Contracts**

Moved by James Bryant, Chairman of the Board of Selectmen, duly seconded that the Town raise and appropriate \$26,136.67 to fund the contracts executed by the Town and the collective bargaining units of the Department of Public Works, the Emergency Center of Operations, the Town Administrative Staff and the Police Department, adopt the changes to the classification and compensation tables as set forth in the tables distributed at this meeting and adopt the changes to the FY'06 Departmental budgets consistent therewith.

Selectmen Bryant explained that the Town has increase the Health Insurance co-pays for doctor visits and prescriptions. This article will increase the wages 1% to help defray the cost to the employees.

Moderator: The classification and compensation table for this motion was distributed at the tables when you checked in and will be given to the Town Clerk for inclusion in the record of this meeting.

The Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

**Declared by the Moderator**

**COMPENSATION / CLASSIFICATION TABLE FY2006 (Revised)**

**CLASSIFICATION AND COMPENSATION OF FULL AND PART-TIME POSITIONS**

**General Administration**  
**Full Time Annual Salary (except where noted as hourly)**

Steps	I Start	II 6 months	III 18 months	IV 30 months	V 42 months	VI 54 months	VII 66 months
Town Administrator	66,425	69,082	71,846	74,720	77,707	80,818	84,050
Finance Director/ Acct.(2)	66,425	69,082	71,846	74,720	77,707	80,818	84,050
Treasurer-Collector	48,402	50,337	52,352	54,445	56,623	58,888	61,244
Town Accountant	41,019	42,658	44,365	46,139	47,987	49,904	51,901
Asst. Town Acct.	16.63hr.	17.30hr.	17.99hr.	18.72hr.	19.46hr.	20.24hr.	21.04hr.
Director of Assessors Office	41,019	42,658	44,365	46,139	47,987	49,904	51,901
Chief Appraiser(1)	48,402	50,337	52,352	54,445	56,623	58,888	61,244
Asst. to Town Administrator	15.56hr.	16.19hr.	16.85hr.	17.52hr.	18.24hr.	18.94hr.	19.72hr.

(1) Currently under a contract rate which differs from the salary in the table. See Contract Rate section.

(2) Less than full time. Hourly salary based on annual salary from table.

**Part Time Hourly Rates**

Steps	I Start	II 6 months	III 18 months	IV 30 months
Clerk/Typist	13.48	14.01	14.58	15.16
Custodian	14.09	14.65	15.23	15.84

Administrative Assistant	14.41	14.99	15.60	16.22
Facilities Repair and Maintenance	16.63	17.30	17.99	18.72

#### Town Hall Union Employees

Hourly compensation established by union contract. FY2006 rates shown for information purposes only. FY2007 rates to be established by collective bargaining.

Steps	I Start	II 6 months	III 18 months	IV 30 months	V 42 months	VI 54 months	VII 66 months
Administrative Assistant - Grade 1	13.60	14.15	14.74	15.32	15.92	16.57	17.22
Administrative Assistant - Grade 2	14.56	15.13	15.77	16.39	17.03	17.72	18.43
Police Clerk/Stenographer - Grade 2	14.56	15.13	15.77	16.39	17.03	17.72	18.43
Assistant Treasurer/ Collector - Grade 3	16.81	17.48	18.17	18.90	19.64	20.44	21.26
Assistant Assessor - Grade 3	16.81	17.48	18.17	18.90	19.64	20.44	21.26

#### Recreation Department

Steps	I Start	II 6 months	III 18 months	IV 30 months	V 42 months	VI 54 months	VII 66 months
Recreation Director	41,019	42,658	44,365	46,139	47,987	49,904	51,901

#### Building and Land Use

##### Full Time Annual Salary

Steps	I Start	II 6 months	III 18 months	IV 30 months	V 42 months	VI 54 months	VII 66 months
Building/Zoning Inspector (1)	34,760	36,150	37,598	39,101	40,665	42,292	43,984
Conservation Coordinator(2)	34,760	36,150	37,598	39,101	40,665	42,292	43,984
Planning Coordinator(2)	34,760	36,150	37,598	39,101	40,665	42,292	43,984

(1) Less than full-time. Currently under a contract rate which differs from the salary in the table. See Contract Rate section.

(2) Less than full time. Hourly salary based on annual salary from table.

#### Public Works

##### Full Time Annual Salary

Steps	I Start	II 6 months	III 18 months	IV 30 months	V 42 months	VI 54 months	VII 66 months
Public Works Director	66,425	69,082	71,846	74,720	77,707	80,818	84,050

#### Department of Public Works Union Employees

Hourly compensation established by union contract. FY2006 rates shown for information purposes only. FY2007 rates to be established by collective bargaining.

Step*	I Start	II 9 months	III 21 months	IV 33 months	V** 45 months
Foreman	18.89	19.65	20.43	21.25	22.10
Mechanic	18.89	19.65	20.43	21.25	22.10
Foreman 2	17.25	17.94	18.66	19.41	20.18
Heavy Equipment Operator	16.39	17.05	17.73	18.44	19.17
Truck Driver/Laborer	15.26	15.87	16.51	17.17	17.86
Plant Operator - Secondary	16.96	17.64	18.34	19.08	19.84
Plant Operator - Primary	18.89	19.65	20.43	21.25	22.10

\*Employees move from Step I to Step II after nine months of employment. All other steps are at 12 month intervals.

\*\*Step V becomes effective at midnight on June 30, 2006.



**Public Safety**

Full Time Annual Salary (except where noted as hourly)

Steps	I Start	II 6 months	III 18 months	IV 30 months	V 42 months	VI 54 months	VII 66 months
Chief of Police (1)	66,425	69,082	71,846	74,720	77,707	80,818	84,050
Emergency Center Supervisor	41,019	42,658	44,365	46,139	47,987	49,904	51,901
Fire Chief	66,425	69,082	71,846	74,720	77,707	80,818	84,050
Fire Inspector	41,019	42,658	44,365	46,139	47,987	49,904	51,901
Asst. Fire Inspector/Firefighter	15.35hr.	15.97hr.	16.59hr.	17.26hr.	17.96hr.	18.67hr.	19.43hr.
Firefighter/Operator (2)	15.35hr.	15.97hr.	16.59hr.	17.26hr.	17.96hr.	18.67hr.	19.43hr.
Health Agent (1)	48,402	50,337	52,352	54,445	56,623	58,888	61,244

(1) Currently under a contract rate which differs from the salary in the table. See Contract Rate section.

(2) Firefighter/Operator holding officer position in Call Force will receive 5% differential.

**Part Time**

Steps	I Start	II 6 mos.	III 18 mos.	IV 36 mos.
Dispatcher (3)	14.10hr.	14.92hr.	15.83hr.	16.75hr.
Reserve Patrolman (4)	15.29hr.	16.20hr.	17.17hr.	18.21hr.
Fire Equipment Mech.	17.63hr.	18.34hr.	19.08hr.	19.84hr.
Animal Control Off.	13.31hr.	13.84hr.	14.39hr.	14.98hr.
Custodian	14.09hr.	14.65hr.	15.23hr.	15.84hr.

(3) The base pay differential for evenings (3PM to 11PM) is 3% and for nights (11PM to 7AM) is 5%.

(4) The base pay differential for evenings (4PM to 12AM) is 3% and for nights (12AM to 8AM) is 5%.

**Call Firefighters Wages (5)**

Rank	Hourly Wage
Deputy Chief	22.62
Captain	20.94
Lieutenant	19.27
Fire Fighter with CPR First Responder	16.75
Inspector; Electrical/Building	19.27
Probationary Fire Fighter	14.24
State Certified Fire Fighter Level I	17.59

(5) State Certified Firefighters receive an additional 5% at any rank.

**Emergency Center Union Employees**

Weekly rates established by union contract. Rates shown for information purposes only.

Steps	I Start	II 6 months	III 18 months	IV 36 months	V 48 months	VI 60 months	VII 72 months
Dispatcher (3)	563.86	597.69	633.55	671.56	698.42	726.36	755.41

(3) The base pay differential for evenings (3PM to 11PM) is 3% and for nights (11PM to 7AM) is 5%.

**Police Union Employees**

Weekly rates established by union contract. FY 2005 rates shown for information purposes.

Steps	I Start	II 12 months	III 24 months
Patrolman	686.86	770.38	853.19

A Sergeant's pay is equal to the maximum Patrolman's plus 15%

Lieutenant's pay is equal to the maximum Patrolman's plus 25%

The base pay differential for evenings (4PM to 12AM) is 3% and for nights (12AM to 8AM) is 5%.

**Other**

EMT Pay (non-union)*	35.75 wk
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\*This is adjusted to match the Police union rate.

**Special Rates for Occasional Help**

	Range of Compensation	
General Clerical	7.00hr.	10.30hr.
Laborer: Light Work	7.00hr.	11.33hr.
Seasonal Recreational Help	6.75hr.	15.45hr.

**Positions with an Annual Stipend**

	Annual Rate
Plumbing/Gas Inspector	12,089
Electrical Inspector	12,089
Asst. Plumbing/Gas Inspector	744
Asst. Electrical Inspector	744
Asst. Building Inspector	744
Sealer of Weights and Measures	1,697
Registrar of Voters	275
Deputy Fire Chief	1,500
Fire Dept. Captains	750
Fire Dept. Training Officer	500
Animal Inspector	3,677
Chairman Board of Health	787
Board of Health Members	445
Appeal Board Chairman	1,516

**Elected Officials Other Than Full Time Employees**

Rates shown for information purposes only

	Annual Rate
Chairman/Selectmen	2,879
Selectmen	2,546
Chairman of the Assessors Board	2,569
Assessor Board Members	1,920

**Contract Rates****Employee Contracts - Part Time**

	Rate
Building/Zoning Inspector	474.43wk.
Chief Appraiser	584.44wk.
MIS Systems Analyst	536.84wk.
Health Agent	51.50hr.

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**ARTICLE 3****Salary Increase****Non-Union Personnel  
and Officials****Requires 2/3 rd Vote**

Moved by James Bryant, Chairman of the Board of Selectmen, duly, seconded, that the Town raise and appropriate \$ 27,402.72 to fund wage adjustments for non-union personnel and non-elected Town officials under the Personnel Policies adopt changes to the classification and compensation tables as set forth in the tables distributed at this meeting and adopt the changes to the FY '06 Departmental budgets consistent therewith.

Moderator: The classification and compensation table for this motion was distributed at the tables when you checked in and will be given to the Town Clerk for inclusion in the record of this meeting.

The moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

**FY 2006**

**Additional Appropriation for Salary Increase**

Department	Approved Budget	Revised Budget	Additional Amount Requested
Selectmen Non-Union	12,236.00	12,355.00	119.00
Selectmen Elected	8,131.00	8,209.00	78.00
Town Admin Non-Union	116,588.00	117,752.00	1,164.00
Finance Non-Union	80,158.00	80,952.00	794.00
Assessors Union	81,812.00	82,617.00	805.00
Assessors Non-Union	35,022.00	35,384.00	362.00
Assessors Elected	6,536.00	6,602.00	66.00
Treas/Collector Non-Union	61,898.00	62,505.00	607.00
Treas/Collector Union	65,041.00	65,687.00	646.00
Building and Maint. Non-Union	30,779.00	31,094.00	315.00
Town Clerk Non-Union	2,209.00	2,232.00	23.00
Town Clerk Union	30,138.00	30,445.00	307.00
Town Clerk Elected	49,603.00	50,092.00	489.00
Planning Board Non-Union	32,650.00	32,971.00	321.00
Conservation Committee Non-Union	23,323.00	23,553.00	230.00
Police Non-Union	143,645.00	144,987.72	1,342.72
Police Union	1,079,134.00	1,095,601.67	16,467.67
Fire Non-Union	382,880.00	391,429.00	8,549.00
Inspect Service Non-Union	52,186.00	52,680.00	494.00
Inspect Service Union	36,624.00	36,977.00	353.00
Emergency Center Non-Union	83,140.00	93,428.00	10,288.00
Emergency Center Union	172,482.00	174,143.00	1,661.00
Highway/DPW Non-Union	83,541.00	84,376.00	835.00
Highway/DPW Union	309,169.00	312,037.00	2,868.00
Park Union	41,398.00	41,696.00	298.00
Cemetery Union	54,339.00	54,636.00	297.00
Water Union	237,996.00	240,332.00	2,336.00
Board of Health Non-Union	52,484.00	53,392.00	908.00
Board of Health Union	36,624.00	36,977.00	353.00
Recreation Non-Union	61,273.00	61,881.00	608.00
Recreation Union	18,354.00	18,542.00	188.00
<b>Total</b>	<b>3,481,393.00</b>	<b>3,535,565.39</b>	<b>54,172.39</b>
<b>Non-Union Totals</b>			<b>27,402.72</b>
<b>Union Totals</b>			<b>26,136.67</b>
<b>Elected Officials</b>			<b>633.00</b>

Moved by James Bryant, Chairman of Board of Selectmen, duly seconded that the Town raise and appropriate \$ 633.00 to fund wage adjustments for elected Town officials under the Personnel Policies, adopt changes to the classification and compensation tables as set forth in the tables distributed at this meeting and adopt the changes to the FY '06 Departmental budgets consistent therewith.

Moderator: The classification and compensation table for this motion was distributed at the tables when you checked in and will be given to the Town Clerk for inclusion in the record of this meeting.



Moderator called for the vote and reminded voters that this motion requires a 2/3rds vote. [per G.L. c. 41, § 108]

VOICE VOTE: MOTION PASSES

2/3<sup>rd</sup> Vote Declared by the Moderator

\*\*\*\*\*

**ARTICLE 4** Moved by David Neill, duly seconded, that the Town appropriate \$314,621.18  
NESWC Reimbursement received in reimbursement from NESWC as of the date of this vote to the  
*Requires 2/3 rd vote* Stabilization Fund.

David Neill former Selectmen of nine years, managed this very costly 20-year trash contract that expires this year. He entertained the audience with a Shakespearean twist. "Now is the winter of our discontent, the contract is deep in the bosom of the incinerator buried." This money is coming back to our town, where it belongs. NESCI is no more?"

The Moderator reminded the audience that this motion requires a 2/3<sup>rd</sup> vote and called for the vote.

VOICE VOTE: MOTION PASSES

2/3<sup>rd</sup> Vote Declared by the Moderator

\*\*\*\*\*

**ARTICLE 5** Moved by Selectmen Robert Bullivant, duly seconded, that the Town raise and  
Fuel and Utility appropriate \$25,000 to the Reserve Fund.  
Adjustment Funds

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

\*\*\*\*\*

**ARTICLE 6** Moved by Steve Druschel, Chairman of the Board of Health, duly seconded, that  
Mosquito Control the Town join the Northeast Massachusetts Mosquito Control and Wetlands  
Membership District Management District for a three-year membership beginning July 1, 2006, the  
cost of which will be deducted from State local aid provided under the "Cherry Sheet".

The Selectmen assured the residents that spraying was not the object but rather to monitor the situation and be pro active. This three year contract would cost about \$42,000 per year.

After lengthy discussion, the Moderator called for a vote.

VOICE VOTE: UNCLEAR

The Moderator then asked the audience to hold up their "Voter Cards" to determine the vote.

CARD VOTE: UNCLEAR

Both the Voice and Card votes being declared unclear, the Moderator asked for a Standing Count.

STANDING COUNT: MOTION CARRIES

YES 103

NO 51

\*\*\*\*\*

**ARTICLE 7**  
**Affordable Housing**  
**Trust Fund**

Moved by David Carey, Housing Partnership, duly seconded, that the Town establish an Affordable Housing Trust Fund, pursuant to Ch. 97 of the Acts of 2005.

There being short discussion, the Moderator called for the vote.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**

\*\*\*\*\*

**ARTICLE 8**  
**Zoning By-law**  
**Amendment: Providing**  
**for Associate Members of**  
**the Planning Board**  
***Requires 2/3rd Vote***

Moved by Marc Johnson, Chairman of the Planning Board, duly seconded, that the Town amend Zoning By-law Section VIII Administration, to add a Section D to read as follows:

Associate Members of the Planning Board to Act on Special Permits. The position of Associate Member of the Planning Board is established for applications where the Planning Board has been designated as the special permit granting authority. Two Associate Members shall be appointed jointly by the Planning Board and the Board of Selectmen. The terms of appointment shall be two years. The Associate Members shall be designated to act as provided in G.L. c. 40A, § 9.

I now call upon Marc Johnson to give the report of the Planning Board. This article will create two new positions to work on the Special Permit applications.

The Moderator reminded the voters that this motion requires a 2/3<sup>rd</sup> vote and called for the vote.

**VOICE VOTE: MOTION PASSES**

**2/3<sup>rd</sup> Vote Declared by the Moderator**

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**ARTICLE 9**  
**Amendment to the**  
**Town By-laws**

Moved by Robert Bullivant, Selectman, duly seconded, that the Town amend the Town Water Use Restriction By-law, Chapter XXV, Section 8 by adding the following sentence at the end of the section: "This section shall be enforced by the Director of Public Works."

The Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

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**ARTICLE 10**  
**Utility Easements for**  
**Public Safety Building**  
***Requires 2/3 rd Vote***

Moved by Kalil Boghdan, Chairman of the Public Safety Building Committee, duly seconded, that the Town authorize the Selectmen to convey one or more the utility easements, upon such terms and conditions as determined by the Board of Selectmen, over the Town-owned land shown as Assessors Map 56, parcels 32, 32A, and 32B, to Massachusetts Electric Company, Key span Gas Company and any other appropriate utility provider, for the purpose of providing electrical, gas and/or other utility service to the new Public Safety Building.

The Moderator called for the vote and reminded the audience that this motion requires a 2/3<sup>rd</sup> Vote.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**

\*\*\*\*\*

**ARTICLE 11**  
**Landscaping for**  
**World War II Memorial**

Moved by Robert McRae, Retired Fire Chief, duly seconded, that the Town raise and appropriate \$10,000 to pay for landscaping installation of a stone monument at Town Hall to honor those who serve in World War II, the Korean War, and the Vietnam War, said monument to be donated by the American Legion, the Rotary, and other private donors.

The Moderator recognized Ed Haraden, a World War II and Korean War Veteran to speak on this motion. He explained that the American Legion and the H-W Rotary Club are donating the granite monument. World War II names will be engraved on it first followed by the names of those who served in the Korean War and the Vietnam War. Ed expressed that the Vietnam Veterans didn't come home from their war under the same circumstances as we did. We want special recognition when the Vietnam names are engraved.

The Moderator called for the vote.

**VOICE VOTE: MOTION PASSES UNANIMOUSLY**

\*\*\*\*\*

**ARTICLE 12**  
**Application of Funds**  
**Reduce the Tax Rate**

Moved by Laurie Wilson, Chairman of the Finance and Advisory Committee, duly seconded, that the Town appropriate and authorize the Assessors to use to \$113,268 of available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2005.

The Moderator called for the vote.

**VOICE VOTE: MOTION PASSES**

\*\*\*\*\*

Moderator Bruce Ramsey thanked all the voters and closed the Special Town Meeting at 9:19 PM.

**A TRUE COPY: ATTEST:**

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Jane M. Wetson, Town Clerk







